



## **NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET**

Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on the **25<sup>th</sup> day of April, 2023**, at **6:00 p.m.**, in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy. 281 South, Burnet Municipal Airport) Burnet, TX.

The City of Burnet City Council Meeting will be available for live viewing via the following media connections.

City of Burnet Facebook Page: <https://www.facebook.com/cityofburnet>

City of Burnet Website via Zoom as follows:

<https://us02web.zoom.us/j/81278669602>

Or One tap mobile :

US: 8778535257,,81278669602# (Toll Free) or 8884754499,,81278669602# (Toll Free)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 812 7866 9602

International numbers available: <https://us02web.zoom.us/j/81278669602>

The Zoom connection is a live broadcast viewing option only. The option for comments will not be available.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

The following subjects will be discussed, to wit:

**CALL TO ORDER:**

**ROLL CALL:**

**INVOCATION:**

**PLEDGES (US & TEXAS):**

**1. SPECIAL REPORTS/RECOGNITION:**

1.1) Burnet Chamber of Commerce Quarterly Report: A. McKee

1.2) Burnet Municipal Court Quarterly Report: Judge Tamara Tinney

1.3) March 2023 Financial Report: P. Langford

**2. CONSENT AGENDA:** *(All of the following items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council action.)*

2.1) Approval of the April 11, 2023 Regular City Council Meeting minutes

### **3. PUBLIC HEARINGS/ACTION:**

3.1) Public Hearing and consideration of the following: Adoption and amendments of the Zoning Ordinance, zoning classifications and/or the Subdivision Ordinance presented by Habib Erkan, Asst. City Manager, and Leslie Kimbler, City Planner, Carly Kehoe Pearson, Director of Public Works and Delepmnt Services.

A) Discuss and consider action: : FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 ( ENTITLED "SUBDIVISIONS"); SEC. 98-21 (ENTITLED "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson

(1) Staff Presentation: C. Kehoe Pearson

(2) Public Hearing:

(3) Consideration and action:

### **4. ACTION ITEMS:**

4.1) Discuss and consider action: SECOND AND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45 (AMENDING CITY CODE CHAPTER 18 ENTITLED "AVIATION") TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS,

AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.3) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) WITH SINGLE-FAMILY "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.4) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) WITH SINGLE-FAMILY "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.5) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) WITH SINGLE-FAMILY "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.6) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL "C-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.7) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, RESTRICTING THE USE OF CERTAIN FUNDS FOR INVESTMENT INTO A NEW CITY HALL FACILITY: P. Langford

4.8) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, AUTHORIZING THE TRANSFER OF UNRESTRICTED FUNDS TO RESTRICTED FUNDS TO REIMBURSE BOND PROCEEDS USED FOR CERTAIN EXPENDITURES: P. Langford

4.9) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ACCEPTING THE TRANSFER OF WATER RIGHTS OF ALL PROPERTY OWNED BY CORPORATION TO THE CITY OF BURNET: H. Erkan

4.10) Discuss and consider action: Request for funding for beautification projects in the City: M. Gonzales

4.11) Discuss and consider action: Call a Special Meeting of the City Council for Tuesday, May 16<sup>th</sup>, 2023 at 5:30 p.m. to canvass the May 6<sup>th</sup>, 2023 General Election and Special Election: K. Dix

**5. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:** In accordance with Resolution 2020-28 Council Members may request the City Manager to prepare and present future reports on matter of public interest.

**6. ADJOURN:**

Dated this 21<sup>st</sup> day of April, 2023

**City of Burnet**

**Mayor Crista Goble Bromley**

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on April 21, 2023 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Kelly Dix, City Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

*The City of Burnet Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers,*

or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.

***RIGHT TO ENTER INTO EXECUTIVE SESSION:***

*The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).*

# Updates



**BURNET**  
CHAMBER OF COMMERCE

# Festival Updates



\*Over 300 vendor booths  
+  
waiting list of over 100

\*Estimated 600 hours of  
Chamber staff time

\*2 F/T Staff  
11 Committee Members

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6 Events by Other Non-Profits

# A CHALLENGING FRIDAY

“You can't have bluebonnets  
without a little rain”



# Pivoting!



A large crowd of people is gathered at a festival. In the foreground, a man with a mustache and sunglasses is looking towards the camera. The crowd is diverse in age and attire, with many people wearing hats and casual clothing. To the left, there are several white and blue tents. In the background, a hill with trees and a building with a triangular roof are visible under an overcast sky. A dark grey semi-transparent box is overlaid on the right side of the image, containing white text.

# GREAT ATTENDANCE ON SATURDAY

# Event Participation Increased



© Luedecke Photography 2023 AQ

# CARNIVAL



# CITY APPRECIATION LUNCHEON



# Christmas on the Square



## Burnet's Christmas ON THE SQUARE

Arts & Crafts Vendors ★ Food Trucks ★ Holiday Entertainment  
Visit from Santa ★ Parade ★ Bike Giveaway ★ Kids Activities

# OTHER CHAMBER HAPPENINGS



Join Us!



 **BURNET**  
CHAMBER OF COMMERCE

**AFTER  
HOURS** 

 **DOGUMENT SAINT**  
**HOLY SITI!**  
A BOTTLED REVOLUTION

**MAY 11, 5-7PM**



**JACKSON  
STREET  
JAMS** 

# CHAMBER MEMBERSHIP



WHAT'S  
NEXT?



# BURNET MUNICIPAL COURT

QUARTERLY REPORT – 04/2023

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In the first quarter of 2023, we took in 360 new cases, disposed of 303 cases and ended March with 377 active cases. There were 5 appeals this quarter, all without a trial. We currently have 1 case to be set for trial.

The 360 new cases are comprised of the following:

- Traffic – 297
- Criminal/Non-Traffic – 50
- City Ordinance – 13

I have included a breakdown of the cases for last fiscal year.

I will be attending a Court Security Seminar in May.

  
Tamara Tinney

Burnet Municipal Judge

**2021 - 2022 BUDGET YEAR CASE AND REVENUE COMPARISON**

	Oct. '21	Nov. '21	Dec. '21	Jan. '22	Feb. '22	March '22	April '22	May '22	June '22	July '22	Aug '22	Sept. '22	TOTAL CASES
Citations	48	114	70	92	60	68	42	123	216	133	167	67	1200
PC/On View Arrest	0	1	2	2	1	4	1	2	4	3	3	3	26
City Ordinance	10	8	17	20	2	16	6	14	7	4	8	4	116



# CITY OF BURNET

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## FINANCIAL REPORT

FYTD March 2023

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*Bluebonnet Capital of Texas - Lakes, Hills, History*



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## GENERAL FUND

The General Fund ended the period with a profit of \$2,012,374 and in total their revenues and expenses are performing well compared to the budget.

The General Fund's primary revenues include:

- **Property tax collections** – ended the period at 97% of budget and increased by \$461,592 over the same period last year.
- **Sales tax collections** – ended the period at 48% of budget and increased by \$4,753 over the same period last year.
- **EMS transfer collections** – ended the period at 44% of budget and decreased by (\$167,659) over the same period last year.
  - Collections are tracking under budget because EMS transfer call volume is down 13% mainly because of hospital staff shortages.
- **Transfers In from other funds** – ended the period at 46% of budget and increased by \$212,316 over the same period last year.

Total expenditures ended the period on track at 49% of budget.

## GOLF COURSE

The Golf Course ended the period with a profit of \$219,295 which is a \$67,910 improvement over the same period last year because of increasing revenues.

Total revenues ended the period at 58% of budget and have increased by over \$159,000 compared to last year mainly due to increases from green fees/cart rentals, new members, new tournaments, and other revenues which include rebates from early order chemical and fertilizer programs and interest income. Rounds played have increased just over 2% from last year and the average green fee revenue per round is \$39.92 which is an increase of \$2.49 over last year.

Operating Expenses are tracking below the straight-lined average at 48%.

## ELECTRIC FUND

The Electric fund ended the period with a profit of \$130,680.

Total revenues ended the period on track for the period at 46% of budget and consumption is running consistent with last year.

Total expenses ended the period at 46% of budget which is on track for the period.



CITY OF BURNET  
FYTD MARCH FINANCIAL SUMMARY

FY 2023

### WATER/WASTEWATER

The Water/Wastewater fund ended the period with a profit of \$102,136.

Total revenues are on track and ended the period at 48% of budget. Compared to last year, total revenues have increased mainly due to increasing water sales and consumption.

Total expenses are on track and ended the period at 49% of budget. Compared to last year, expenses have increased mainly because of personnel costs. Last year, the department had several vacancies but this year they have been fully staffed for the majority of the year.

### AIRPORT (Restricted Fund)

The Airport fund ended the period with a profit of \$58,588. Their revenues and expenses appear to be tracking as expected since the new Fixed Base Operator (FBO) contract went into effect on January 1, 2023.

Prior to January 1, the Airport Fund was operated under the "Interim" FBO contract. Because the original budget was based on the new FBO contract going into effect on October 1st, staff amended the budget to reflect the contract changes. The fund's net position is on track with the amended annual budget for the period.

### CASH RESERVES

The total "Unrestricted" cash reserve balance for the city as of March 31, 2023, was \$9,548,700. That is **\$4,901,701** above our 90-day required reserve amount.

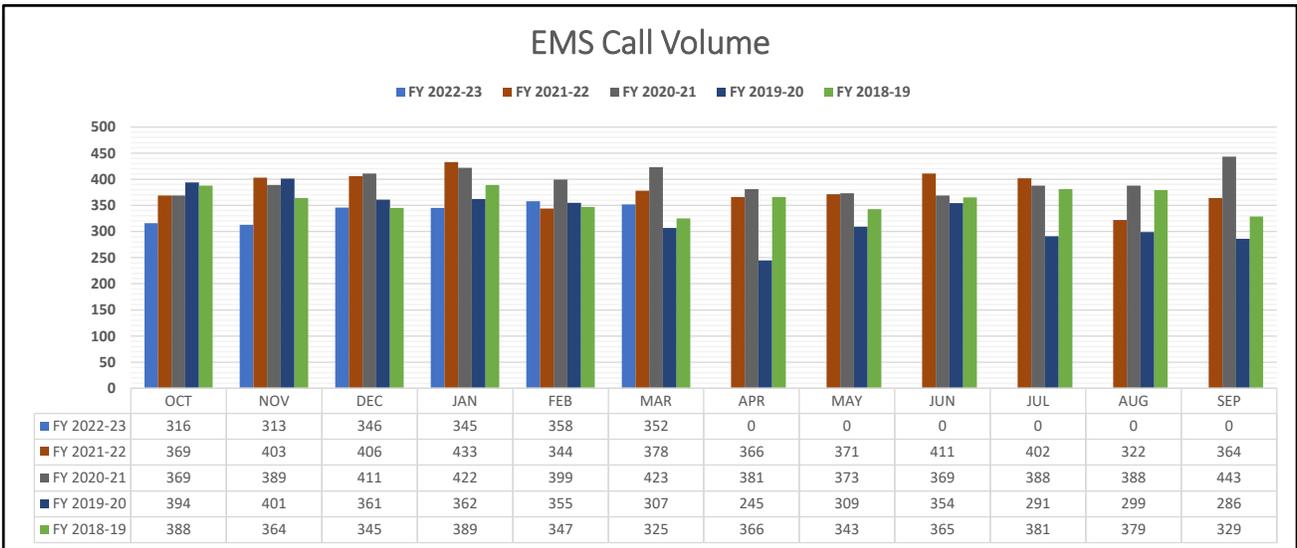
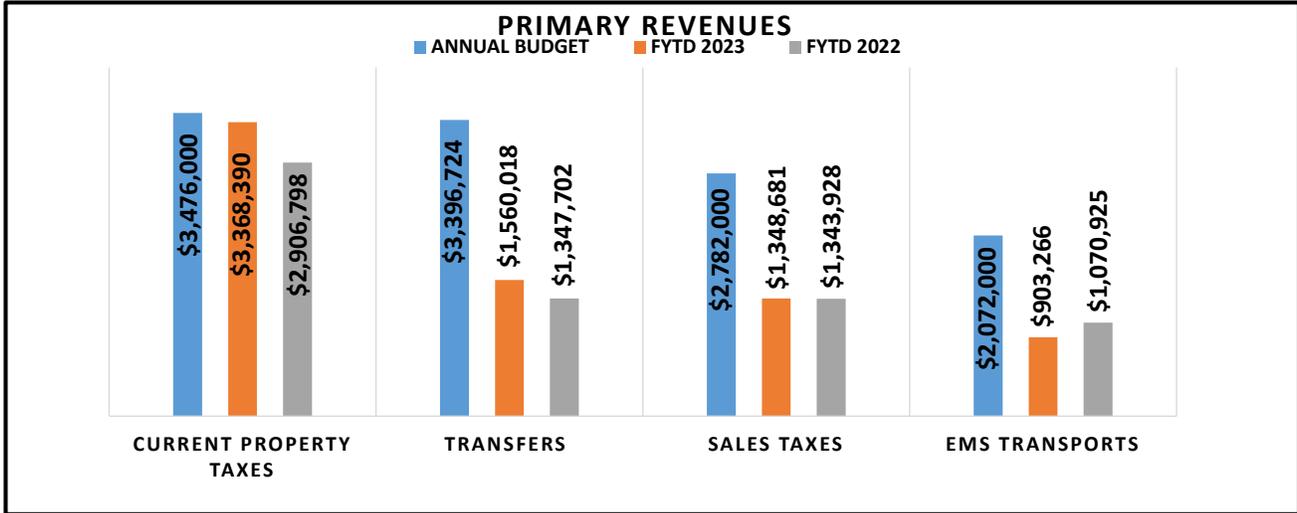
The total "Restricted by Council" cash reserve balance for the city as of March 31, 2023, was \$2,024,246.

# GENERAL FUND DASHBOARD

FYTD MARCH 2023

## CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD MARCH 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD MARCH 2022	% OF BUDGET
REV	\$ 14,766,308	\$ 9,022,567	61%	\$ 13,098,563	\$ 8,214,925	63%
EXPENSES	14,305,521	7,010,192	49%	12,641,112	6,175,698	49%
PROFIT (LOSS)	\$ 460,787	\$ 2,012,374		\$ 457,451	\$ 2,039,226	



	Transports	
FYTD 2023	2,030	
FYTD 2022	2,333	
Increase (Decrease)	(303)	-13%

City of Burnet, Texas  
 General Fund  
 Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

50% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
<b>REVENUE</b>						
Ad valorem taxes	\$ 3,476,000	\$ 3,368,390	97%	\$ 2,980,000	\$ 2,906,798	98%
Sales taxes	2,782,000	1,348,681	48%	2,438,000	1,343,928	55%
Interfund Transfers	3,396,724	1,560,018	46%	3,023,893	1,347,702	45%
EMS Transfers	2,072,000	903,266	44%	1,900,000	1,070,925	56%
Franchise and other taxes	162,000	187,406	116%	155,000	118,470	76%
Court Fines and Fees	140,000	87,612	63%	130,000	61,144	47%
Grants & Donations	9,500	2,722	29%	10,200	9,566	94%
Licenses & Permits	153,300	103,516	68%	132,200	109,744	83%
Charges for Services	2,369,684	1,213,217	51%	2,199,595	1,122,013	51%
Other Revenue	205,100	247,739	121%	129,675	124,634	96%
Use of Fund Balance	-	-		2,028,500	655,350	32%
<b>Total Revenue</b>	<b>\$ 14,766,308</b>	<b>\$ 9,022,567</b>	<b>61%</b>	<b>\$ 15,127,063</b>	<b>\$ 8,870,275</b>	<b>59%</b>
<i>Total Revenue less fund balance</i>	<i>\$ 14,766,308</i>	<i>\$ 9,022,567</i>	<i>61%</i>	<i>\$ 13,098,563</i>	<i>\$ 8,214,925</i>	<i>63%</i>
<b>EXPENDITURES</b>						
Personnel Services	\$ 9,592,515	\$ 4,647,301	48%	\$ 8,255,518	\$ 3,942,855	48%
Supplies & Materials	591,175	250,227	42%	455,070	255,504	56%
Repairs & Maint	612,211	349,476	57%	505,700	237,673	47%
Contractual Services	2,102,170	1,053,558	50%	2,078,429	1,072,178	52%
Other Designated Expenses	686,568	335,952	49%	589,719	333,877	57%
Transfers to Self-funded	514,037	265,818	52%	486,909	243,454	50%
Capital Outlay	-	-		-	11,765	
Transfers to Golf Admin	206,845	107,859	52%	269,767	78,392	29%
Sub-total	<b>\$ 14,305,521</b>	<b>\$ 7,010,192</b>	<b>49%</b>	<b>\$ 12,641,112</b>	<b>\$ 6,175,698</b>	<b>49%</b>
<b>CAPITAL/OTHER EXP (USES OF FUND BAL)</b>						
Transfers - Capital/Other Uses of FB	-	-		\$ 2,028,500	\$ 655,350	32%
	<b>\$ -</b>	<b>\$ -</b>		<b>\$ 2,028,500</b>	<b>\$ 655,350</b>	<b>32%</b>
<b>Total Expenditures</b>	<b>\$ 14,305,521</b>	<b>\$ 7,010,192</b>	<b>49%</b>	<b>\$ 14,669,612</b>	<b>\$ 6,831,048</b>	<b>47%</b>
<i>Total Expenditures less Capital/Other</i>	<i>\$ 14,305,521</i>	<i>\$ 7,010,192</i>	<i>49%</i>	<i>\$ 12,641,112</i>	<i>\$ 6,175,698</i>	<i>49%</i>
<b>NET CHANGE IN FUND BALANCE</b>	<b>\$ 460,787</b>	<b>\$ 2,012,374</b>		<b>\$ 457,451</b>	<b>\$ 2,039,227</b>	

**KEY VARIANCES - BUDGET vs ACTUAL (50% of Year Complete)**

Revenues

- The majority of property taxes are collected in December and January of each year. Collections are strong and on track for the period.
- EMS Transfer Revenues are tracking below the average run rate because ems call volume is down 303 calls or 13% compared to last year.  
Per the Fire Chief, there is a nursing shortage which is impacting the hospital transfer requests.
- Franchise fee revenues are tracking higher than expected because of the timing of collections (paid quarterly and annually) and increases in franchise fee revenues.
- Court fines and fees collections have increased mainly due to increased police and court activity this year.
- Grant revenues are tracking below the average run rate because of the timing of the grants. PD grants are not expected to be collected until April.
- Licenses & Permits are tracking higher than the average mainly because of an increase in Inspection fees from construction projects and subdivision inspection fees collected.
- Other Revenues are tracking higher than expected mainly because of increased interest income and insurance claim receipts.

Expenditures

- See Expenditures by Department/Category for more detail.

City of Burnet, Texas  
 General Fund  
 Expenditures by Department/Category  
 FYTD MARCH 2023

50% of year complete

	ORIGINAL BUDGET			ACTUAL			PY BUDGET			PY ACTUAL		
	2022-2023			FYTD MARCH 2023			2021-2022			FYTD MARCH 2022		
						% OF BUDGET						% OF BUDGET
<b>EXPENDITURES (Less transfers to capital/other):</b>												
<b>City Council</b>												
Supplies & Materials	\$	2,000	\$	23	1%		\$	1,000	\$	363	36%	
Repairs & Maint		1,000		126	13%			1,000		359	36%	
Contractual Services		7,020		3,132	45%			6,720		3,836	57%	
Other Designated Expenses		8,575		5,555	65%			5,575		7,825	140%	
<b>Total Expenditures</b>		<b>18,595</b>		<b>8,836</b>	<b>48%</b>			<b>14,295</b>		<b>12,384</b>	<b>87%</b>	
<b>General Administration</b>												
Personnel Services		1,277,069		606,856	48%			1,168,369		542,963	46%	
Supplies & Materials		21,700		9,712	45%			27,000		11,165	41%	
Repairs & Maint		91,000		83,340	92%			80,000		31,530	39%	
Contractual Services		260,303		136,800	53%			236,995		122,926	52%	
Other Designated Expenses		423,581		214,300	51%			398,234		212,418	53%	
Transfers for Golf Admin		206,845		107,859	52%			269,767		78,392	29%	
<b>Total Expenditures</b>		<b>2,280,498</b>		<b>1,158,867</b>	<b>51%</b>			<b>2,180,365</b>		<b>999,394</b>	<b>46%</b>	
<b>Municipal Court</b>												
Personnel Services		73,658		36,761	50%			70,974		36,847	52%	
Supplies & Materials		675		42	6%			750		538	72%	
Repairs & Maint		8,500		6,296	74%			8,500		51	1%	
Contractual Services		15,300		8,060	53%			14,800		7,849	53%	
Other Designated Expenses		5,050		3,411	68%			4,350		2,298	53%	
<b>Total Expenditures</b>		<b>103,183</b>		<b>54,570</b>	<b>53%</b>			<b>99,374</b>		<b>47,582</b>	<b>48%</b>	
<b>Police/Animal Shelter/K-9</b>												
Personnel Services		2,610,113		1,257,160	48%			2,181,749		1,042,281	48%	
Supplies & Materials		138,200		56,932	41%			111,000		53,090	48%	
Repairs & Maint		113,950		72,397	64%			115,300		37,570	33%	
Contractual Services		228,350		131,866	58%			202,500		109,726	54%	
Other Designated Expenses		99,162		38,848	39%			74,000		62,825	85%	
Transfers to Self-funded		181,341		90,671	50%			196,567		98,283	50%	
<b>Total Expenditures</b>		<b>3,371,116</b>		<b>1,647,873</b>	<b>49%</b>			<b>2,881,116</b>		<b>1,403,776</b>	<b>49%</b>	
<b>Fire/EMS</b>												
Personnel Services		3,584,056		1,741,893	49%			3,263,222		1,606,004	49%	
Supplies & Materials		243,650		106,890	44%			194,500		111,923	58%	
Repairs & Maint		174,500		78,100	45%			144,000		86,465	60%	
Contractual Services		302,070		143,950	48%			309,150		147,597	48%	
Other Designated Expenses		74,600		44,787	60%			49,000		28,389	58%	
Transfers to Self-funded		267,868		142,734	53%			254,786		127,393	50%	
Capital Outlay		-		-				-		-		
<b>Total Expenditures</b>		<b>4,646,744</b>		<b>2,258,353</b>	<b>49%</b>			<b>4,214,658</b>		<b>2,107,770</b>	<b>50%</b>	
<b>Streets</b>												
Personnel Services		753,705		392,543	52%			698,233		321,702	46%	
Supplies & Materials		77,300		40,986	53%			41,500		36,845	89%	
Repairs & Maint		89,400		34,788	39%			77,400		28,212	36%	
Contractual Services		8,750		2,168	25%			8,500		3,162	37%	
Other Designated Expenses		5,000		433	9%			2,350		1,171	50%	
Transfers to Self-funded		26,611		13,306	50%			9,021		4,510		
<b>Total Expenditures</b>		<b>960,766</b>		<b>484,223</b>	<b>50%</b>			<b>837,004</b>		<b>395,602</b>	<b>47%</b>	
<b>City Shop</b>												
Personnel Services		78,439		32,300	41%			76,326		39,276	51%	
Supplies & Materials		15,000		8,365	56%			14,000		6,237	45%	
Repairs & Maint		12,500		3,871	31%			13,000		4,206	32%	
Contractual Services		6,380		2,918	46%			6,700		3,243	48%	
Other Designated Expenses		5,050		2,327	46%			5,050		1,687	33%	
<b>Total Expenditures</b>		<b>117,369</b>		<b>49,780</b>	<b>42%</b>			<b>115,076</b>		<b>54,650</b>	<b>47%</b>	
<b>Sanitation</b>												
Contractual Services		974,947		480,853	49%			921,194		467,543	51%	
Other Designated Expenses		25,000		9,297	37%			25,000		646	3%	
<b>Total Expenditures</b>		<b>999,947</b>		<b>490,149</b>	<b>49%</b>			<b>946,194</b>		<b>468,189</b>	<b>49%</b>	
<b>PW Admin</b>												
Personnel Services		164,985		81,860	50%			-		-		
Supplies & Materials		1,800		547	30%			-		-		
Repairs & Maint		200		96	48%			-		-		
Contractual Services		-		488				-		-		
Other Designated Expenses		850		2,547	300%			-		-		
Transfers to Self-funded		-		-				-		-		
<b>Total Expenditures</b>		<b>167,835</b>		<b>85,538</b>	<b>51%</b>			<b>-</b>		<b>-</b>		

City of Burnet, Texas  
 General Fund  
 Expenditures by Department/Category  
 FYTD MARCH 2023

50% of year complete

	50% of year complete			PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET			
<b>EXPENDITURES (Less transfers to capital/other):</b>						
<b>Parks</b>						
Personnel Services	589,046	274,821	47%	502,241	226,624	45%
Supplies & Materials	79,000	25,295	32%	62,500	32,692	52%
Repairs & Maint	101,650	50,786	50%	57,250	46,296	81%
Contractual Services	88,650	40,141	45%	133,700	40,317	30%
Other Designated Expenses	8,500	1,376	16%	6,000	4,933	82%
Transfers to Self-funded	28,069	14,034	50%	26,535	13,268	50%
<b>Total Expenditures</b>	<b>894,915</b>	<b>406,453</b>	<b>45%</b>	<b>788,226</b>	<b>364,129</b>	<b>46%</b>
<b>Galloway Hammond</b>						
Repairs & Maint	5,000	13,626	273%	5,000	-	0%
Contractual Services	100,000	50,000	50%	100,000	50,000	50%
Capital Outlay	-	-	0%	-	-	0%
<b>Total Expenditures</b>	<b>105,000</b>	<b>63,626</b>	<b>61%</b>	<b>105,000</b>	<b>50,000</b>	<b>48%</b>
<b>Development Services</b>						
Personnel Services	187,774	90,633	48%	294,404	127,159	43%
Supplies & Materials	5,650	1,115	20%	2,820	2,652	94%
Repairs & Maint	8,261	3,892	47%	4,250	2,984	70%
Contractual Services	99,050	51,886	52%	138,170	115,978	84%
Other Designated Expenses	28,200	9,908	35%	20,160	11,684	58%
Capital Outlay	-	-	-	-	11,765	-
<b>Total Expenditures</b>	<b>328,935</b>	<b>157,434</b>	<b>48%</b>	<b>459,804</b>	<b>272,223</b>	<b>59%</b>
<b>Engineering</b>						
Personnel Services	273,670	132,474	48%	-	-	-
Supplies & Materials	6,200	321	5%	-	-	-
Repairs & Maint	6,250	2,160	35%	-	-	-
Contractual Services	11,350	1,296	11%	-	-	-
Other Designated Expenses	3,000	3,165	105%	-	-	-
Transfers to Self-funded	10,148	5,074	50%	-	-	-
<b>Total Expenditures</b>	<b>310,618</b>	<b>144,490</b>	<b>47%</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 14,305,521</b>	<b>\$ 7,010,192</b>	<b>49%</b>	<b>\$ 12,641,112</b>	<b>\$ 6,175,698</b>	<b>49%</b>

**KEY VARIANCES - BUDGET vs ACTUAL (50% of Year Complete)**

**Expenditures**

<b>CITY COUNCIL - Other Designated Expenses are tracking higher than the average run rate because they include travel for TML which was held in October 2022.</b>
<b>ADMIN - Repairs and Maintenance are tracking higher than the average run rate because the annual Tyler/Incode software maintenance expense was paid in March. In total, services are still on track with the amount budgeted for the year.</b>
<b>ADMIN - Contractual Services are tracking higher than the average run rate because of the timing of the audit and actuary payments. Majority of audit work is done in December and January each year. In total, expenses are still on track with the amount budgeted.</b>
<b>COURT - Repairs and Maintenance are tracking higher than the average run rate because the annual Tyler/Incode software maintenance expense was paid in March. In total, services are still on track with the amount budgeted for the year.</b>
<b>COURT - Other Designated Expenses are tracking higher than the average run rate because credit card service fees collected have increased which is consistent with the increase in collected municipal court fees and fines.</b>
<b>PD - R&amp;M Expenses are tracking higher than the average run rate mainly because of increasing vehicle and software maintenance costs.</b>
<b>PD - Contractual Services expenses are tracking higher than the average run rate mainly because of an increase in the county contract to house prisoners, an increase in the county dispatching contract, and early payment of the quarterly humane society contract payments.</b>
<b>FIRE - Other Designated Expenses are tracking higher than the average run rate mainly because of the purchase of 9 sets of new Bunker Gear.</b>
<b>CITY SHOP - Supplies and Materials are tracking higher than the average run rate mainly because there has been an increase in oil changes done in house and therefore the department purchased bulk oil for stock in December.</b>
<b>PW ADMIN - Other Designated Expenses are tracking higher than the average run rate mainly because of increases for employee appreciation programs and employee travel.</b>
<b>GALLOWAY HAMMOND - R&amp;M Expenses are tracking higher than expected because of water leak repairs, the replacement of a faulty winch on side court basketball structure, pylon sign repairs, and interior painting.</b>
<b>ENGINEERING - Other Designated Expenses are tracking higher than budgeted mainly because of travel and training expenses. Travel was incurred for the TML Conference, Crack Seal Training, Infinity Training, and Staking Training.</b>

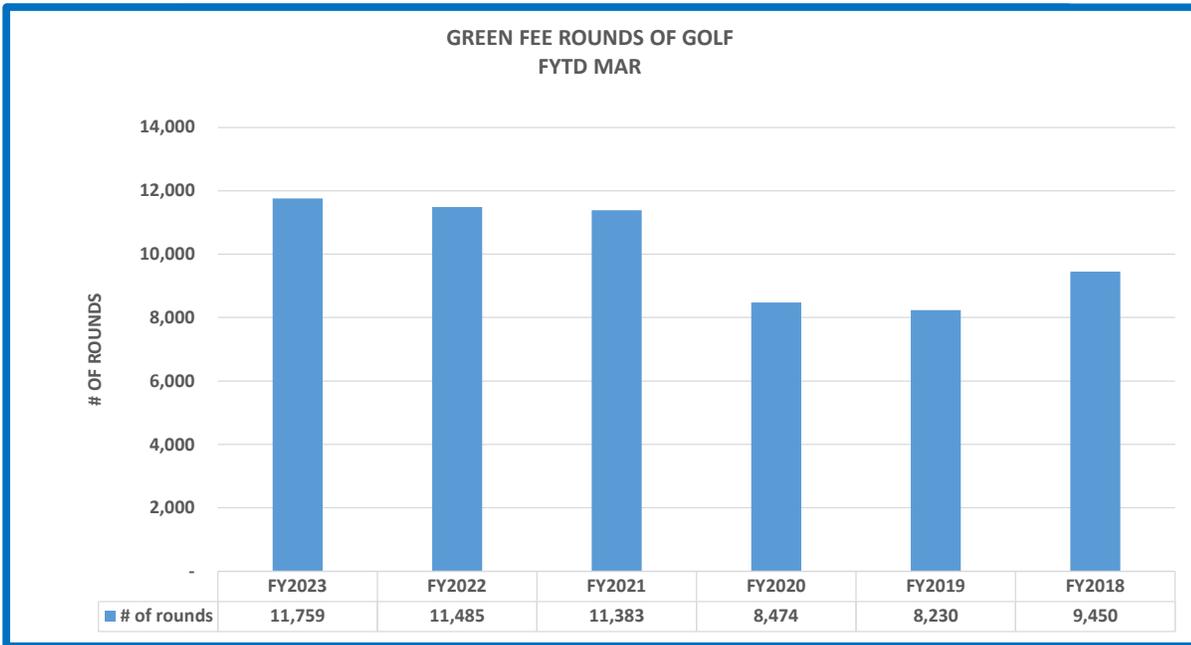
# GOLF COURSE FUND DASHBOARD

FYTD MARCH 2023

## CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD MARCH 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD MARCH 2022	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 1,860,895	\$ 1,072,175	58%	\$ 1,470,651	\$ 912,901	62%
EXPENSES	1,778,214	852,880	48%	1,562,218	761,515	49%
PROFIT (LOSS)	\$ 82,681	\$ 219,295		\$ (91,567)	\$ 151,385	

## TABLES/CHARTS



Rounds of Golf\*

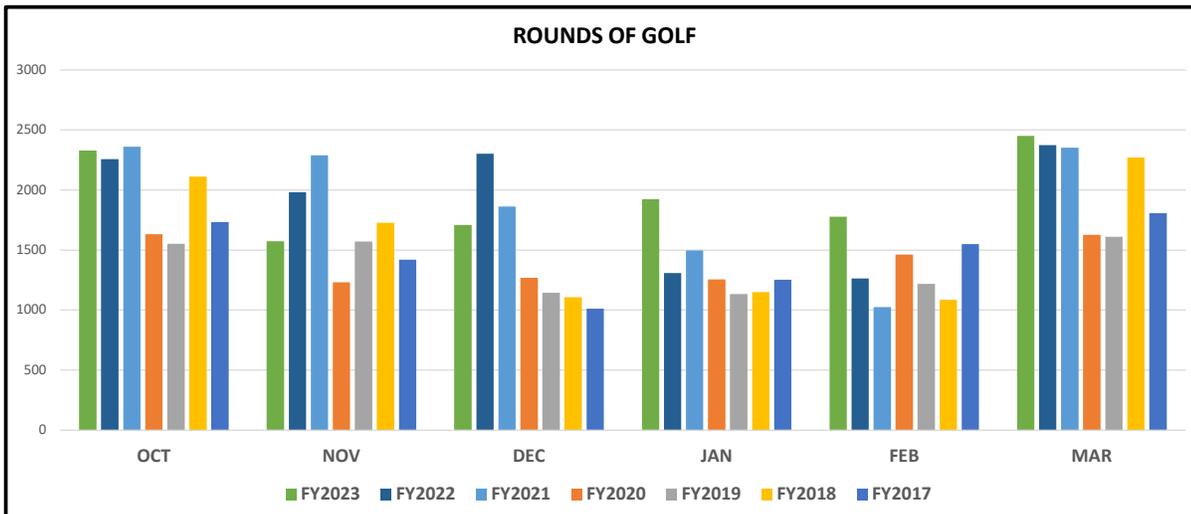
2022-2023

2021-2022

OVER (UNDER)

FYTD
11,759
11,485
274
2.39%

\*Does not include annual dues or tournament rounds played.



Notes:

Feb of 2021 golf course was closed for 11 days because of Severe Winter Storm.

City of Burnet, Texas  
 Golf Fund (Delaware Springs)  
 Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

	50% of year complete			PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET			
<b>Revenues</b>						
Charges for Services:						
Green Fees/Cart Rentals	\$ 947,205	\$ 469,467	50%	\$ 696,600	\$ 429,877	62%
Member Charges	232,000	212,475	92%	224,000	192,929	86%
Net Tournament Fees	144,000	89,493	62%	112,000	57,073	51%
Driving Range	62,000	28,975	47%	53,000	27,457	52%
Net Charges for Services	1,385,205	800,409	58%	1,085,600	707,336	65%
Pro Shop Merchandise Sales (Net)	72,655	36,209	50%	48,750	33,461	69%
Snack Bar Sales (Net)	147,744	79,191	54%	129,600	63,249	49%
Transfer from GF (Admin/Use of FB)	206,845	107,079	52%	192,701	90,216	47%
Other Revenue	48,446	49,286	102%	14,000	18,639	133%
<b>Total Revenues</b>	<b>1,860,895</b>	<b>1,072,175</b>	<b>58%</b>	<b>1,470,651</b>	<b>912,901</b>	<b>62%</b>
<b>Expenses</b>						
Personnel Services	1,067,824	502,768	47%	924,829	474,435	51%
Supplies & Materials	129,550	61,321	47%	119,050	48,634	41%
Repairs & Maint	84,300	33,006	39%	82,500	27,843	34%
Contractual Services	67,600	33,607	50%	59,000	32,695	55%
Other Designated Expenses	52,750	30,426	58%	45,050	22,722	50%
Transfers to Self-funded	169,345	84,673	50%	153,588	76,794	50%
Admin Allocation	206,845	107,079	52%	178,201	78,392	44%
<b>Total Expenses</b>	<b>1,778,214</b>	<b>852,880</b>	<b>48%</b>	<b>1,562,218</b>	<b>761,515</b>	<b>49%</b>
<b>Change in Net Position</b>	<b>82,681</b>	<b>219,295</b>		<b>(91,567)</b>	<b>151,385</b>	
Operating Subsidy from General Fund	-	-		91,567	-	
Net Position	82,681	219,295		-	151,385	
<b>Green Fee Rounds</b>		<b>11,759</b>			<b>11,485</b>	
<b>Green Fee Rev Per Round</b>		<b>\$ 39.92</b>			<b>\$ 37.43</b>	

**KEY VARIANCES - BUDGET vs ACTUAL (50% of Year Complete)**

<u>Revenues</u>
-The majority of Member Charges which include pre-paid green fees, trail fees, annual cart rental and storage are collected in October each year. Per Tony Nash, the course is seeing an increase in annual members this year over last year.
- Net Tournament Fees have increased due to additional tournaments.
-Transfer from General Fund (GF) is used to offset the admin allocation.
-Other revenues are tracking above the average run rate for the year because of increases in interest income, payment of ghin fees in January and because of chemical and fertilizer rebates received from the Early Order Program (EOP).
<u>Expenses</u>
- Other designated expenses include credit card service fees which are tracking higher than the average run rate mainly because of the increase in revenues.
- Admin allocation is offset by the Transfer from GF, therefore, net impact to the bottom line is 0.

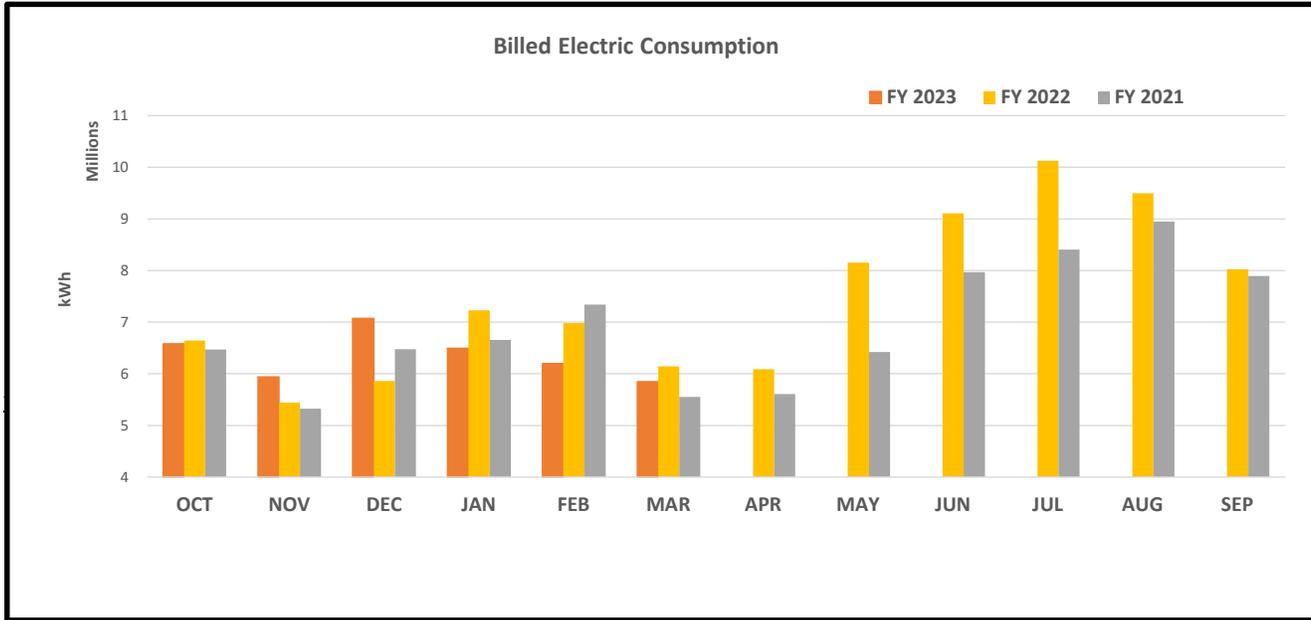
# ELECTRIC FUND DASHBOARD

FYTD MARCH 2023

## CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD MARCH 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD MARCH 2022	% OF BUDGET
REV (net of cogs)	\$ 4,089,298	\$ 1,882,596	46%	\$ 4,034,144	\$ 1,861,847	46%
EXPENSES	3,786,446	1,751,916	46%	3,635,322	1,690,121	46%
PROFIT (LOSS)	\$ 302,852	\$ 130,680		\$ 398,822	\$ 171,726	

## TABLES/CHARTS



FYTD 2023	38,133,732
FYTD 2022	38,301,226
ytd variance	(167,494)
% variance	-0.44%

City of Burnet, Texas  
 Electric Fund  
 Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

	50% of year complete			PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET			
<b>REVENUES</b>						
Electric Sales	\$ 9,090,778	\$ 4,350,126		\$ 9,000,000	\$ 4,319,528	
Less Cost of Power	5,237,806	2,583,085		5,166,000	2,556,554	
Net Electric Sales	<u>3,852,972</u>	<u>1,767,040</u>	46%	<u>3,834,000</u>	<u>1,762,974</u>	46%
Penalties	87,766	44,423	51%	85,000	46,130	54%
Pole Rental	48,400	15,296	32%	47,000	1,138	2%
Credit Card Convenience Fees	52,660	25,253	48%	45,144	14,429	
Other Revenue	47,500	30,584	64%	23,000	37,176	162%
Use of Fund Balance	-	-		230,000	27,961	12%
<b>Total Revenue</b>	<b>\$ 4,089,298</b>	<b>\$ 1,882,596</b>	<b>46%</b>	<b>\$ 4,264,144</b>	<b>\$ 1,889,808</b>	<b>44%</b>
<i>Total Revenue less fund balance</i>	<i>\$ 4,089,298</i>	<i>\$ 1,882,596</i>	<i>46%</i>	<i>\$ 4,034,144</i>	<i>\$ 1,861,847</i>	<i>46%</i>
<b>EXPENSES</b>						
Personnel Services	945,807	436,946	46%	\$ 1,000,827	445,367	44%
Supplies & Materials	77,100	30,655	40%	51,000	31,014	61%
Repairs & Maint	191,000	86,859	45%	180,000	79,737	44%
Contractual Services	158,400	94,439	60%	133,900	91,468	68%
Other Designated Expenses	89,050	40,555	46%	87,714	35,653	41%
Capital Outlay	25,000	18,043	72%	35,000	18,495	53%
Transfers to Debt Service	53,000	26,500	50%	49,350	24,675	50%
Transfers to Self-funded	25,418	12,709	50%	19,780	9,890	50%
Return on Investment	1,678,174	762,675	45%	1,639,441	766,316	47%
Admin Allocation	432,742	191,339	44%	409,541	174,598	43%
Shop Allocation	29,342	12,211	42%	28,769	12,908	45%
PW Admin Allocation	50,351	24,927	50%	-	-	
Engineering Allocation	31,062	14,057	45%	-	-	
Transfer to Capital	-	-		230,000	27,961	12%
<b>Total Expenses</b>	<b>\$ 3,786,446</b>	<b>\$ 1,751,916</b>	<b>46%</b>	<b>\$ 3,865,322</b>	<b>\$ 1,718,082</b>	<b>44%</b>
<i>Total Expenses less xfers to capital and other uses of fund balance</i>	<i>\$ 3,786,446</i>	<i>\$ 1,751,916</i>	<i>46%</i>	<i>\$ 3,635,322</i>	<i>\$ 1,690,121</i>	<i>46%</i>
<b>Change in Net Position</b>	<b>\$ 302,852</b>	<b>\$ 130,680</b>		<b>\$ 398,822</b>	<b>\$ 171,726</b>	

**KEY VARIANCES - BUDGET vs ACTUAL (50% of Year Complete)**

**Revenues**

- Pole Rental Charges are typically invoiced in February and received by April or May.
- Other revenues are tracking higher than the average because Insurance claim payments and increasing interest revenue.

**Expenses**

- Contractual Services are tracking higher than the average run rate because they include the annual contributions to local non profit organizations which are paid in October.
- Capital Outlay is tracking higher than the average run rate because they include the early purchase of christmas decorations and line locates.

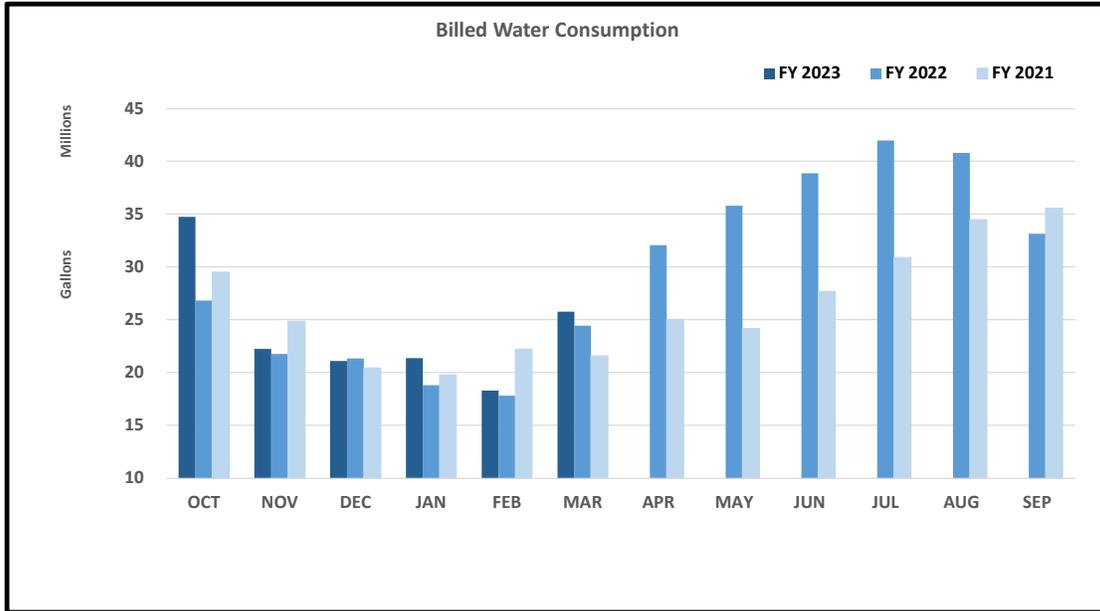
# WATER/WW FUND DASHBOARD

FYTD MARCH 2023

## CURRENT RESULTS COMPARISON

	ORIGINAL	ACTUAL	% OF	PY BUDGET	ACTUAL	% OF
	BUDGET	FYTD MARCH 2023	BUDGET	2021-2022	FYTD MARCH 2022	BUDGET
REV	\$ 4,624,417	\$ 2,205,631	48%	\$ 4,500,420	\$ 2,122,898	47%
EXPENSES	4,330,936	2,103,495	49%	4,039,275	1,774,573	44%
PROFIT (LOSS)	\$ 293,481	\$ 102,136		\$ 461,145	\$ 348,325	

## TABLES/CHARTS



### Billed Consumption in gallons:

FYTD 2023	143,474,223
FYTD 2022	130,945,356
Variance	12,528,867
% variance	9.57%

City of Burnet, Texas  
 Water/Wastewater Fund  
 Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

	50% of year complete			PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET			
<b>REVENUE</b>						
Water Sales	\$ 2,482,303	\$ 1,172,407	47%	\$ 2,400,000	\$ 1,102,699	46%
Wastewater Sales	1,932,000	966,271	50%	1,920,000	949,718	49%
Penalties	45,072	22,021	49%	46,000	22,664	49%
Water/Sewer Connects	37,000	10,300	28%	30,000	33,727	112%
Credit Card Convenience Fees	25,042	13,600	54%	19,920	7,177	
Other Revenue	28,000	21,032	75%	9,500	6,913	73%
Use Impact Fees	75,000	-	0%	75,000	-	0%
Use of Fund Balance	1,135,000	-	0%	1,135,000	233,817	21%
<b>Total Revenue</b>	<b>\$ 5,759,417</b>	<b>\$ 2,205,631</b>	<b>38%</b>	<b>\$ 5,635,420</b>	<b>\$ 2,356,715</b>	<b>42%</b>
<i>Total Revenue less fund balance</i>	<i>\$ 4,624,417</i>	<i>\$ 2,205,631</i>	<i>48%</i>	<i>\$ 4,500,420</i>	<i>\$ 2,122,898</i>	<i>47%</i>
<b>EXPENSES</b>						
Personnel Services	1,410,682	711,061	50%	\$ 1,274,566	506,290	40%
Supplies & Materials	190,300	101,676	53%	171,750	96,967	56%
Repairs & Maint	383,750	146,813	38%	409,500	124,296	30%
Contractual Services	300,050	148,175	49%	317,500	159,230	50%
Cost of Water	70,000	37,396	53%	70,000	28,839	41%
Other Designated Expenses	98,542	46,971	48%	105,474	56,224	53%
Transfers to Debt Service	930,125	465,063	50%	944,764	472,707	50%
Transfers to Self-funded	51,512	25,756	50%	73,692	36,846	50%
In Lieu of Taxes	363,953	176,451	48%	354,034	169,832	48%
Admin Allocation	305,298	142,459	47%	289,227	105,019	36%
Shop Allocation	29,342	12,211	42%	28,768	12,908	45%
PW Admin Allocation	67,134	33,236	50%	-	-	
Engineering Allocation	124,248	56,230	45%	-	-	
Capital Outlay	6,000	-		-	5,414	0%
Transfer to Capital	1,135,000	-	0%	1,135,000	233,817	21%
<b>Total Expenses</b>	<b>\$ 5,465,936</b>	<b>\$ 2,103,495</b>	<b>38%</b>	<b>\$ 5,174,275</b>	<b>\$ 2,008,390</b>	<b>39%</b>
<i>Total Expenses less Transfers to Capital and other uses of fund balance</i>	<i>\$ 4,330,936</i>	<i>\$ 2,103,495</i>	<i>49%</i>	<i>\$ 4,039,275</i>	<i>\$ 1,774,573</i>	<i>44%</i>
<b>Change in Net Position</b>	<b>\$ 293,481</b>	<b>\$ 102,136</b>		<b>\$ 461,145</b>	<b>\$ 348,325</b>	

**KEY VARIANCES - BUDGET vs ACTUAL (50% of Year Complete)**

**Revenues**

-Other Revenues are tracking higher than expected because of increased bulk potable water sales at public works.

**Expenses**

-Supplies and Materials are tracking higher than the average run rate because of the timing of chemical purchases. Bulk chemicals and fertilizers were purchased earlier than normal but the account is still on track for the year.

-October cost of water was higher than normal but consistent with October consumption and water sales.

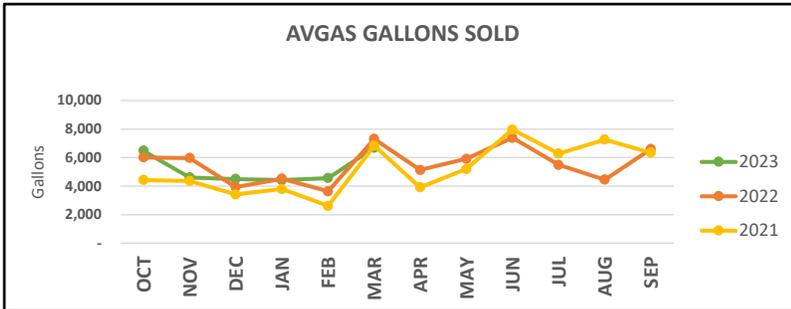
# AIRPORT FUND DASHBOARD

FYTD MARCH 2023

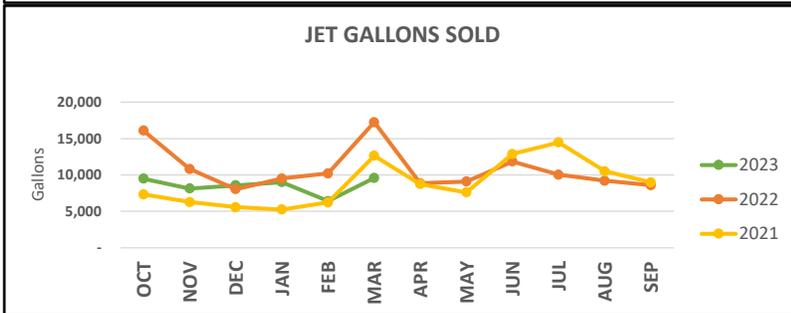
## CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD MARCH 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD MARCH 2022	% OF BUDGET
REV (net of cogs)	\$ 339,381	\$ 232,597	69%	\$ 428,729	\$ 258,760	60%
EXPENSES	258,228	174,009	67%	276,330	141,864	51%
PROFIT (LOSS)	\$ 81,153	\$ 58,588		\$ 152,399	\$ 116,897	

## TABLES/CHARTS



<b>Avgas Gallons Sold:</b>	
FYTD 2023	31,232
FYTD 2022	<u>31,355</u>
Increase(decrease)	<u>(123)</u>
	-0.39%



<b>Jet Gallons Sold:</b>	
FYTD 2023	51,152
FYTD 2022	<u>71,897</u>
Increase(decrease)	<u>(20,745)</u>
	-28.85%

City of Burnet, Texas  
 Airport Fund  
 Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

	50% of year complete			PY BUDGET 2021-2022	PY ACTUAL FYTD MARCH 2022	% OF BUDGET
	AMENDED ANNUAL BUDGET 2022-2023	ACTUAL FYTD MARCH 2023	% OF BUDGET			
<b>REVENUE</b>						
Av Gas Sales	\$ 89,525	\$ 89,527		\$ 233,000	\$ 155,760	
Av Gas Purchases	71,575	71,574		174,750	119,041	
Net Sales	<u>17,950</u>	<u>17,953</u>	100%	<u>58,250</u>	<u>36,718</u>	63%
Jet Gas Sales	156,010	156,012		367,000	329,014	
Jet Gas Purchases	102,775	102,772		201,850	205,449	
Net Sales	<u>53,235</u>	<u>53,240</u>	100%	<u>165,150</u>	<u>123,565</u>	75%
Avgas Flowage Fees	3,140	1,095	35%	450	-	0%
Jet Flowage Fees	11,122	4,993	45%			
Penalties	-	-			425	
All Hangar Lease	153,600	76,528	50%	125,000	65,523	52%
CAF Admissions	5,066	2,792	55%	5,066	2,659	52%
McBride Lease	48,748	24,648	51%	45,893	19,153	42%
Thru the Fence Lease	12,020	8,479	71%	12,020	2,592	22%
Airport Parking Permit	5,000	-	0%	2,000	120	6%
Hangar Lease - FBO	18,755	6,252	33%	14,400	7,200	50%
Interest Earned	10,745	36,516	340%	500	494	99%
Other	-	101		-	310	
Use of Fund Balance	61,863	30,932	50%	493,069	100,182	20%
<b>Total Revenue</b>	<b>\$ 401,244</b>	<b>\$ 263,529</b>	<b>66%</b>	<b>\$ 921,798</b>	<b>\$ 358,942</b>	<b>39%</b>
<i>Total Revenue less fund balance</i>	<i>\$ 339,381</i>	<i>\$ 232,597</i>	<i>69%</i>	<i>\$ 428,729</i>	<i>\$ 258,760</i>	<i>60%</i>
<b>EXPENSES</b>						
Personnel Services	\$ 100,502	\$ 50,032	50%	\$ 97,884	\$ 49,140	50%
Supplies & Materials	3,000	1,698	57%	4,000	1,469	37%
Repairs & Maint	3,675	1,113	30%	3,000	708	24%
Contractual Services	64,750	60,253	93%	64,400	32,732	51%
Other Designated Expenses	46,527	29,771	64%	38,600	19,513	51%
Transfers to Debt Service	61,863	30,932	50%	58,069	29,034	50%
Admin Allocation	31,874	23,241	73%	39,646	23,902	60%
Av fuel truck lease	3,350	3,350	100%	12,000	6,000	50%
Jet fuel truck lease	4,550	4,550	100%	16,800	8,400	50%
Transfers to Capital	-	-		435,000	71,148	16%
<b>Total Expenses</b>	<b>\$ 320,091</b>	<b>\$ 204,941</b>	<b>64%</b>	<b>\$ 769,399</b>	<b>\$ 242,047</b>	<b>31%</b>
<i>Total Exp - xfers to capital and debt svc.</i>	<i>\$ 258,228</i>	<i>\$ 174,009</i>	<i>67%</i>	<i>\$ 276,330</i>	<i>\$ 141,864</i>	<i>51%</i>
<b>Change in Net Position</b>	<b>\$ 81,153</b>	<b>\$ 58,588</b>		<b>\$ 152,399</b>	<b>\$ 116,896</b>	

**NOTE**

Original budget was based on the new FBO contract going into effect October 1st. However, the new FBO contract did not go into effect until January 1, 2023. Therefore, staff amended the budget to match the contracts in place.

Under the new FBO contract:

- Net fuel sales are replaced by flowage fees.
- Fuel truck lease expenses are assumed by the FBO.
- FBO contract payments which were \$18,000 per month under the Interim FBO contract will be \$0 under the new FBO contract.

Notes:

**REVENUES:**

- Because the airport was operated under the interim contract for the 1st quarter, the airport had fuel sales and related expenses but no flowage fee revenues for that period.
- Interest rates and revenue have increased over last year.

**EXPENSES:**

- Because the airport was operated under the interim FBO contract for the 1st quarter, the airport incurred "cost of fuel sold" expenses, fuel truck lease expenses, credit card service fees, FBO contract payments of \$18,000 from Oct - Dec, and increased admin allocation expenses for the period which were not included in the original budget but has since been amended.
- Designated expenses includes the annual insurance payment for the airport.

City of Burnet, Texas  
 Other Funds  
 Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)  
 FYTD MARCH 2023

	ANNUAL BUDGET 2022-2023			ACTUAL FYTD MARCH 2023			% OF BUDGET			PY BUDGET 2021-2022			PY ACTUAL FYTD MARCH 2022			% OF BUDGET		
<b>HOTEL/MOTEL FUND</b>																		
Revenues	\$	191,900	\$	110,332	57.49%	\$	171,281	\$	107,806	62.94%	\$	171,281	\$	107,806	62.94%			
Expenses		168,795		35,892	21.26%		147,465		39,639	26.88%		147,465		39,639	26.88%			
Net Profit (Loss)	\$	23,105	\$	74,440		\$	23,816	\$	68,167		\$	23,816	\$	68,167				
<b>BEDC</b>																		
Revenues	\$	4,015,333	\$	811,301	20.21%	\$	4,009,417	\$	1,380,267	34.43%	\$	4,009,417	\$	1,380,267	34.43%			
Expenses		3,722,497		650,208	17.47%		3,795,481		1,171,099	30.86%		3,795,481		1,171,099	30.86%			
Net Profit (Loss)	\$	292,836	\$	161,092		\$	213,936	\$	209,168		\$	213,936	\$	209,168				
<b>SELF FUNDED EQUIPMENT FUND</b>																		
Revenues	\$	1,539,000	\$	1,114,723	72.43%	\$	1,020,800	\$	387,047	37.92%	\$	1,020,800	\$	387,047	37.92%			
Expenses		1,539,000		1,114,723	72.43%		1,020,800		122,423	11.99%		1,020,800		122,423	11.99%			
Net Profit (Loss)	\$	-	\$	(0)		\$	-	\$	264,624		\$	-	\$	264,624				
<b>DEBT SERVICE FUND</b>																		
Revenues	\$	1,046,528	\$	522,987	49.97%	\$	1,052,683	\$	526,510	50.02%	\$	1,052,683	\$	526,510	50.02%			
Expenses		1,046,328		791,794	75.67%		1,052,183		794,353	75.50%		1,052,183		794,353	75.50%			
Net Profit (Loss)	\$	200	\$	(268,807)		\$	500	\$	(267,843)		\$	500	\$	(267,843)				
<b>INTEREST &amp; SINKING DEBT FUND</b>																		
Revenues	\$	796,782	\$	753,929	94.62%	\$	490,178	\$	511,834	104.42%	\$	490,178	\$	511,834	104.42%			
Expenses		796,582		153,502	19.27%		489,978		97,038	19.80%		489,978		97,038	19.80%			
Net Profit (Loss)	\$	200	\$	600,427		\$	200	\$	414,796		\$	200	\$	414,796				

City of Burnet, Texas  
Cash and Investment Accounts  
FYTD MARCH 2023

Acct #	Bank	Account Name	Account Type	Balance as of March 2023
<b>Unrestricted Accounts</b>				
984/2410	FSB	Operating Cash	Checking	\$ 2,669,281.57
		Add or Subtract Claim on Cash for Airport		(55,283.65)
2329	FSB	Golf Course Petty Cash	Checking	589.76
2711100002	TexPool	Operating Reserve	Investment	6,934,113.09
<b>Total Unrestricted</b>				<b>\$ 9,548,700.77</b>

<b>75 Day Reserve Requirement</b>	<b>3,873,000.00</b>
<b>Unrestricted Cash over 75 day reserve</b>	<b>\$ 5,675,700.77</b>
<b>90 Day Reserve Requirement</b>	<b>4,647,000.00</b>
<b>Unrestricted Cash over 90 day reserve</b>	<b>\$ 4,901,700.77</b>

**Restricted by Council**

2711100011	TexPool	Capital Equipment Reserve	Investment	\$ 630,746.23
2188	FSB	Self Funded Equipment	M/M	136,102.04
2711100014	TexPool	Self Funded Equipment Reserve	Investment	534,036.45
2711100021	TexPool	YMCA/GHRC Capital Improvement	Investment	102,013.59
2711100029	TexPool	YMCA Land Sale Proceeds	Investment	111,280.58
2711100022	TexPool	Electric Capital Improvement	Investment	408,053.88
2711100023	TexPool	Water/WW Improvement	Investment	102,013.59
<b>Total Restricted by Council Action</b>				<b>\$ 2,024,246.36</b>

City of Burnet, Texas  
Cash and Investment Accounts  
FYTD MARCH 2023

**Restricted by Purpose or Law**

Acct #	Bank	Account Name	Account Type	Balance as of March 2023
1453	FSB	Bond Reserve	M/M	\$ 156,962.65
2402	FSB	Hotel Motel	M/M	115,725.22
2711100005	TexPool	Hotel Motel	Investment	201,085.12
2485	FSB	PD Seizure	M/M	120.57
2711100027	TexPool	Municipal Court Special Revenue	Investment	77,425.00
2711100025	TexPool	Impact Fees - Water	Investment	454,199.98
2543	FSB	Airport Reserve	M/M	-
		Add or Subtract Airport Claim on Cash		55,283.65
2711100009	TexPool	Airport Reserve	Investment	1,923,784.49
2576	FSB	Interest & Sinking Acct	M/M	722,091.28
2711100026	TexPool	Impact Fees - Wastewater	Investment	31,217.95
2592	FSB	BEDC	Super NOW	148,771.60
2711100010	TexPool	BEDC	Investment	1,459,419.29
70516	FSB	BEDC Commercial Park Project	M/M	190,759.97
2634	FSB	Benefit Trust Account	M/M	-
2675	FSB	Police Department Explorer Program	M/M	6,105.88
2691	FSB	Fire Department Explorer Program	M/M	4,555.84
2711100028	TexPool	Franchise Fee Account	Investment	137,583.40
3053	FSB	Parks Fund	M/M	27,705.19
58776	FSB	Fire Dept. Community Acct	M/M	13,105.14
2711100007	TexPool	TWDB	Investment	1,223.55
2711100006	TexPool	TWDB	Investment	1,074.39
		City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010		
143033000	US Bank	Escrow Account	Investment	3,269.33
82-020-01-0	Bank of	City of Burnet 2012 TWDB Escrow	Investment	20,606.01
2711100013	TexPool	PD Bonds	Investment	-
2711100017	TexPool	2021 CO - City Hall	Investment	3,760,862.69
62315	FSB	BEDC Bond Fund (Badger Bldg DS)	Checking	89,505.64
62364	FSB	BEDC Project Fund	Checking	-
2711100018	TexPool	Golf Course Ops Reserve	Investment	622,942.37
2711100019	TexPool	Golf Course Capital Improvement Reserve	Investment	272,375.87
2711100020	TexPool	Street Rehab/Replacement Reserve	Investment	408,021.89
2711100024	TexPool	Street Bond Reserve	Investment	3,982,532.23
<b>Total Restricted Cash</b>				<b>\$ 14,888,316.19</b>
<b>Total All Cash</b>				<b>\$ 26,461,263.32</b>



City of Burnet, Texas  
 Capital Projects  
 FYTD MARCH 2023

GENERAL CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<b>CAPITAL PROJECTS:</b>									
SERVER UPGRADE	ADMIN	46-1111-58015	\$ 75,000	\$ -	0%	\$ 75,000	\$ 75,000	\$ -	\$ 75,000
INCODE 10 UPGRADE - COURT	ADMIN	46-1111-58397	17,000	-	0%	17,000	17,000	-	17,000
COMP PLAN	ADMIN	46-1111-58560	200,000	-	0%	200,000	200,000	-	200,000
NEW CITY HALL	ADMIN	46-1111-58810	4,800,000	113,577	2%	4,686,423	786,423	3,900,000	4,686,423
PD ACCREDITATION PROGRAM	POLICE	46-1600-57700	15,000	4,616	31%	10,384	10,384	-	10,384
PD MONUMENT SIGN	POLICE	46-1600-58400	10,000	-	0%	10,000	10,000	-	10,000
PD DONATED FUNDS - GUN RANGE IMPR PROJ	POLICE	46-1600-58400/58481	50,000	31,725	63%	18,275	18,275	-	18,275
PD OPIOD FUNDS	POLICE	46-1600-58400/58481	50,000	-	0%	50,000	-	50,000	50,000
FIRE COVID EXPENSES	FIRE	46-1640-57030	30,000	114	0%	29,886	29,886	-	29,886
FD DONATED FUNDS PROJECT	FIRE	46-1640-58481	50,000	-	0%	50,000	50,000	-	50,000
FIRE PROF SERVICES - TAASP PROGRAM	FIRE	46-1641-54500	12,000	10,143	85%	1,857	1,857	-	1,857
FIRE TACTICAL GEAR (NEEDS BUDGET AMEND)	FIRE	46-1641-57000	18,534	18,534	100%	-	-	-	-
STREET EQUIPMENT CRACK SEAL MACHINE	STREETS	46-1700-58000	125,000	99,730	80%	25,270	25,270	-	25,270
STREETS	STREETS	46-1700-58700	4,000,000	115,147	3%	3,884,853	-	3,884,853	3,884,853
COMMUNITY CENTER IMPROVEMENTS	PARKS	46-1800-58400	100,000	2,320	2%	97,680	97,680	-	97,680
DOWNTOWN RESTROOMS	PARKS	46-1800-58400	150,000	10,838	7%	139,162	139,162	-	139,162
PARK IMPROVEMENTS	PARKS	46-1800-58800	50,000	2,400	5%	47,600	47,600	-	47,600
GHRC TEEN CENTER	GHRC	46-1813-58461	20,000	20,000	100%	-	-	-	-
GHRC CAPITAL MAINTENANCE	GHRC	46-1813-58478	325,000	-	0%	325,000	225,000	100,000	325,000
<b>TOTAL</b>			<b>\$ 10,097,534</b>	<b>\$ 429,145</b>	<b>4%</b>	<b>\$ 9,668,389</b>	<b>\$ 1,733,536</b>	<b>\$ 7,934,853</b>	<b>\$ 9,668,389</b>

GOLF COURSE CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<b>CAPITAL PROJECTS:</b>									
GOLF COURSE IMPROVEMENTS		49-4300-58800	\$ 267,000	\$ 66,273	25%	\$ 200,727	\$ -	\$ 200,727	\$ 200,727
			<b>\$ 267,000</b>	<b>\$ 66,273</b>	<b>25%</b>	<b>\$ 200,727</b>	<b>\$ -</b>	<b>\$ 200,727</b>	<b>\$ 200,727</b>

ELECTRIC CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<b>CAPITAL PROJECTS:</b>									
ELECTRIC RATE STUDY		48-4100-57325	\$ 50,000	\$ -	0%	50,000	\$ 50,000	\$ -	\$ 50,000
SOFTWARE - ELSTER UPGRADES (CARRYOVER)		48-4100-58300	46,500	-	0%	46,500	46,500	-	46,500
ENTEGRIS ELECTRIC FEEDER		48-4100-58600	500,000	-	0%	500,000	250,000	250,000	500,000
SCADA/RE ClosERS (CARRYOVER)		48-4100-58800	73,000	61,800	85%	11,200	11,200	-	11,200
SCADA/RE ClosERS		48-4100-58800	100,000	-	0%	100,000	100,000	-	100,000
SUBDIVISION ELECTRICAL COSTS		48-4100-58800	200,000	-	0%	200,000	-	200,000	200,000
DEVELOPMENT PROJECTS (CARRYOVER)		48-4100-58800	370,000	74,820	20%	295,180	295,180	-	295,180
			<b>\$ 1,339,500</b>	<b>\$ 136,620</b>	<b>10%</b>	<b>\$ 1,202,880</b>	<b>\$ 752,880</b>	<b>\$ 450,000</b>	<b>\$ 1,202,880</b>

W/WW CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<b>CAPITAL PROJECTS:</b>									
GENERATORS - WATER FUND BAL		45-4200-58000	\$ 500,000	\$ 90,000	18%	\$ 410,000	\$ 410,000	\$ -	\$ 410,000
GENERATORS - WATER IMPACT FEES		45-4200-58000	200,000	-	0%	200,000	-	200,000	200,000
WATER LINE OVERSIZE		45-4200-58600	155,000	-	0%	155,000	155,000	-	155,000
WATER SYSTEM IMPROVEMENTS		45-4200-58880	10,000	-	0%	10,000	10,000	-	10,000
WATER IMPR WELLS AND PUMPS		45-4200-58800	100,000	-	0%	100,000	100,000	-	100,000
WATER IMPR EAGLES NEST		45-4200-58800	200,000	-	0%	200,000	200,000	-	200,000
WATER IMPR EAST TANK		45-4200-58800	200,000	-	0%	200,000	200,000	-	200,000
WATER IMPR VALLEY ST WELL		45-4200-58800	50,000	1,053	2%	48,947	48,947	-	48,947
SEWER IMPROVEMENT - VFW		45-4210-58800	75,000	68,699	92%	6,301	6,301	-	6,301
SEWER IMPROVEMENT - RANCH LIFT STATION		45-4210-58800	150,000	-	0%	150,000	150,000	-	150,000
TRANSFER OUT WW IMPACT FEES		45-4210-59042	75,000	-	0%	75,000	-	75,000	75,000
			<b>\$ 1,715,000</b>	<b>\$ 159,752</b>	<b>9%</b>	<b>\$ 1,555,248</b>	<b>\$ 1,280,248</b>	<b>\$ 275,000</b>	<b>\$ 1,555,248</b>

City of Burnet, Texas  
 Capital Projects  
 FYTD MARCH 2023

AIRPORT CAPITAL PROJECT FUND					
DESCRIPTION		CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023
<b>CAPITAL PROJECTS:</b>					
CONSULTING FEES	47-2300-54520	\$ -	\$ 959		\$ -
C/O BLDG & FACILITY - JET HANGAR	47-2300-58400	965,000	5,061	1%	959,939
C/O LAND - DECEL LANE	47-2300-58500	100,000	-	0%	100,000
C/O IMPROVEMENTS	47-2300-58500	200,000	-	0%	200,000
RAMP GRANT	47-2310-58800	100,000	20,672	21%	79,328
		<u>\$ 1,365,000</u>	<u>\$ 26,692</u>	<u>2%</u>	<u>\$ 1,339,267</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ -	\$ -	\$ -
-	959,939	959,939
-	100,000	100,000
-	200,000	200,000
-	79,328	79,328
<u>\$ -</u>	<u>\$ 1,339,267</u>	<u>\$ 1,339,267</u>

TOTAL CAPITAL/OTHER PROJECTS					
		CURRENT BUDGET 2022-2023	FYTD MARCH ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023
TOTAL CAPITAL/OTHER PROJECTS		\$ 14,784,034	\$ 818,482	6%	\$ 13,966,511
TRANSFER TO CAP EQUIP RESERVES		-	-	0%	-
TOTAL CAPITAL/OTHER		<u>\$ 14,784,034</u>	<u>\$ 818,482</u>	<u>6%</u>	<u>\$ 13,966,511</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 3,766,664	\$ 10,199,847	\$ 13,966,511
-	-	-
<u>\$ 3,766,664</u>	<u>\$ 10,199,847</u>	<u>\$ 13,966,511</u>

# City of Burnet Financial Report

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FYTD

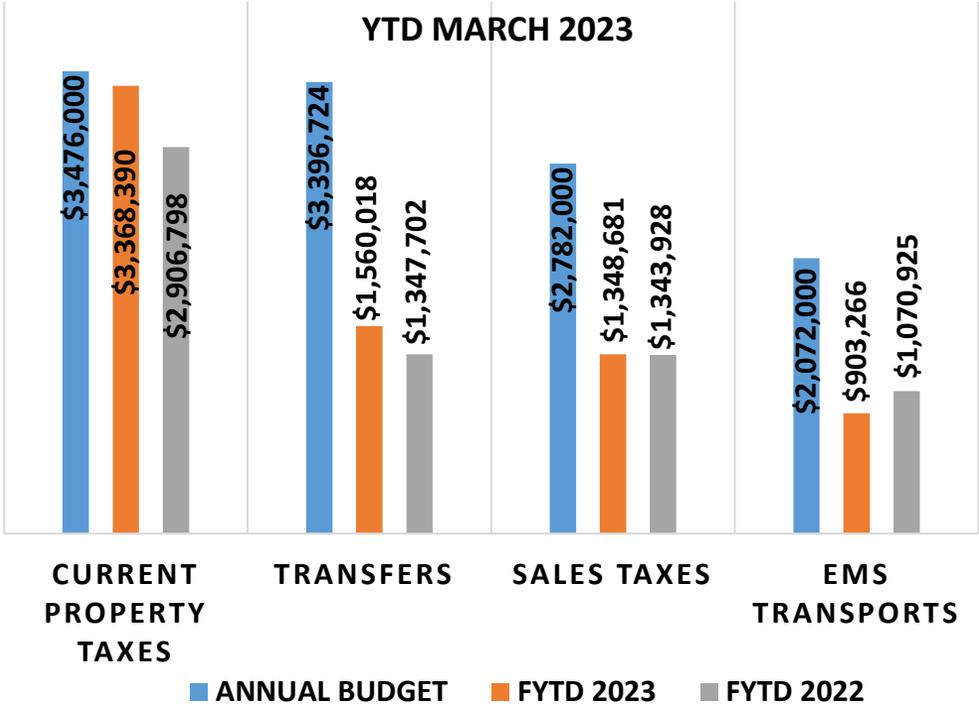
MARCH 31, 2023

# General Fund

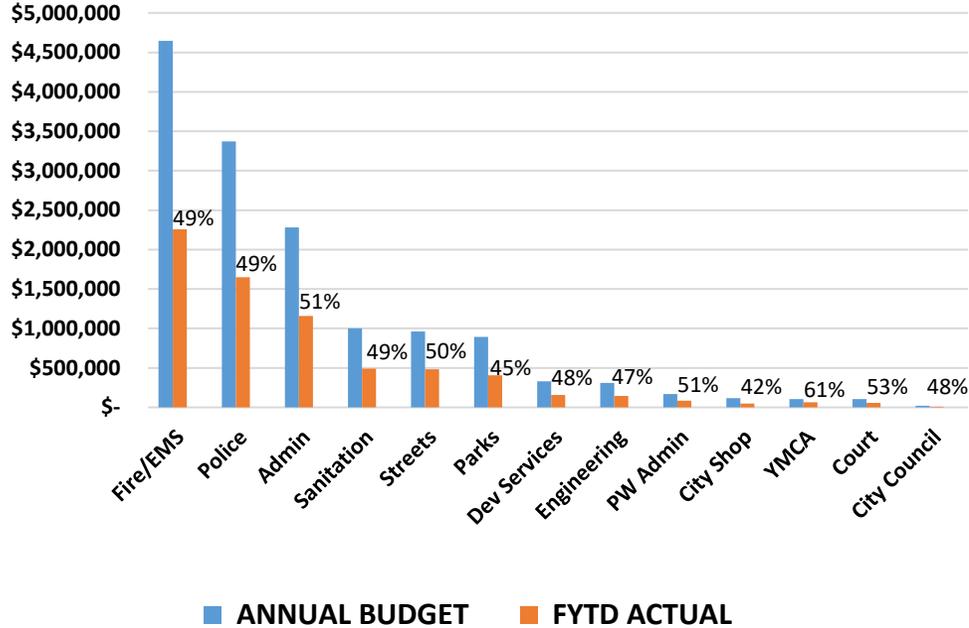
	<b>Annual Budget</b>	<b>Actual FYTD Mar 2023</b>	<b>% of Budget</b>
Revenues	\$14,766,308	\$9,022,567	61%
Expenses	14,305,521	7,010,192	49%
Profit (Loss)	\$460,787	<b>\$2,012,374</b>	

# General Fund

**PRIMARY REVENUES  
YTD MARCH 2023**



**EXPENDITURES BY DEPARTMENT  
YTD MARCH 2023**



# Golf Fund

	Annual Budget	Actual FYTD Mar 2023	% of Budget
Revenues	\$1,860,895	\$1,072,175	58%
Expenses	1,778,214	852,880	48%
Profit (Loss)	\$82,681	<b>\$219,295</b>	

# Golf Fund Rounds

## Average Revenue Per Round:

FYTD Mar 2023 \$39.92

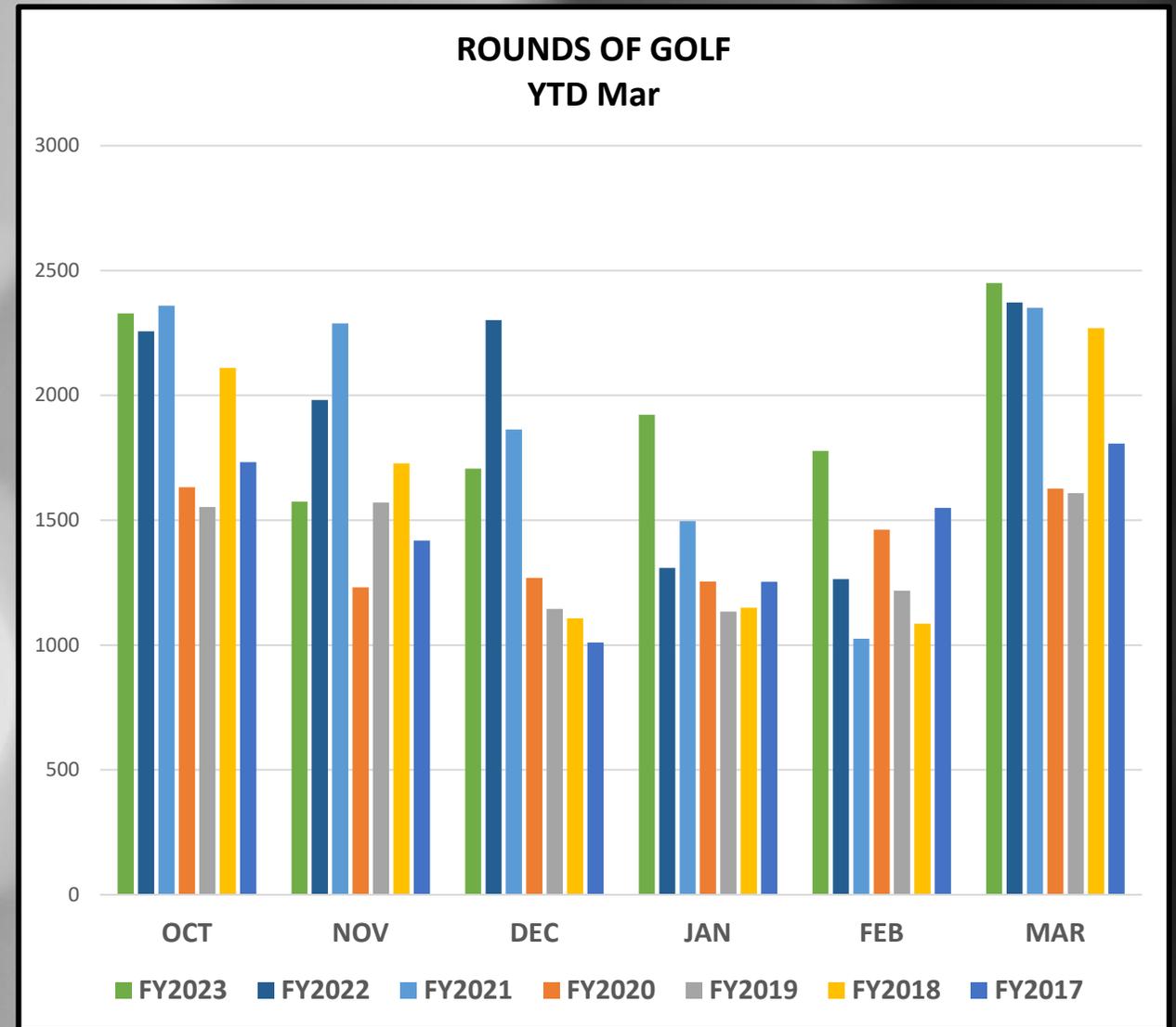
FYTD Mar 2022 \$37.43

## Rounds of Golf:

FYTD Mar 2023 – 11,759

FYTD Mar 2022 – 11,485

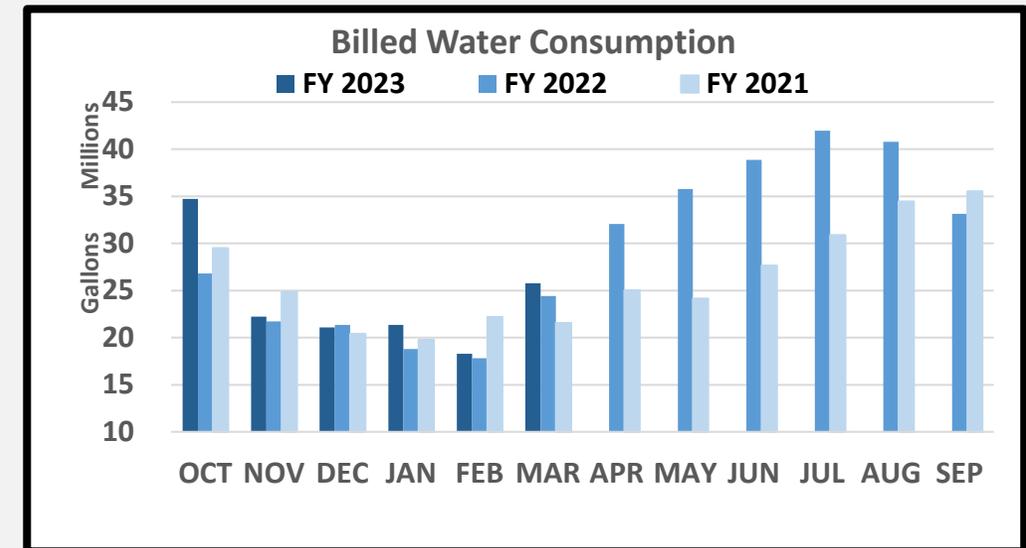
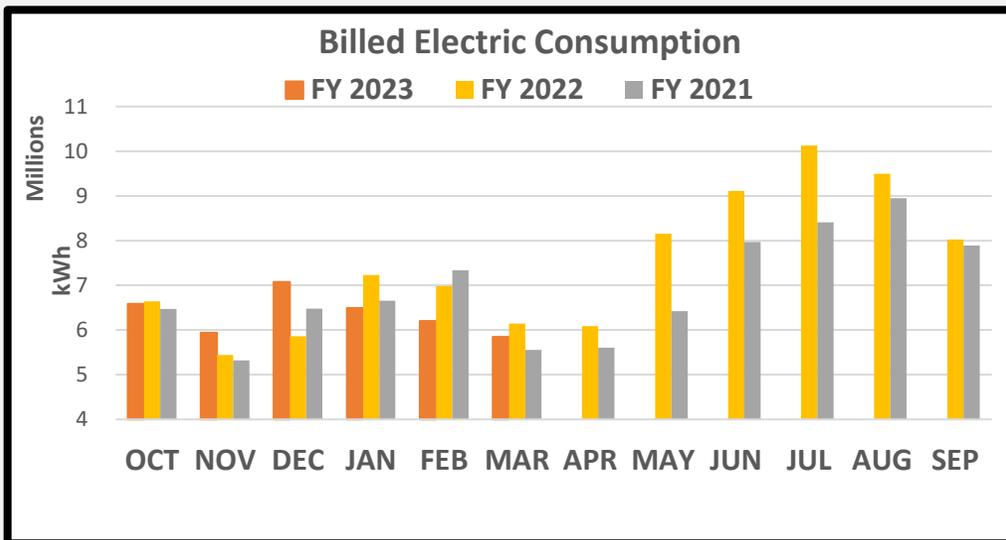
➤ Increase 274 rounds, 2%



# Utility Funds

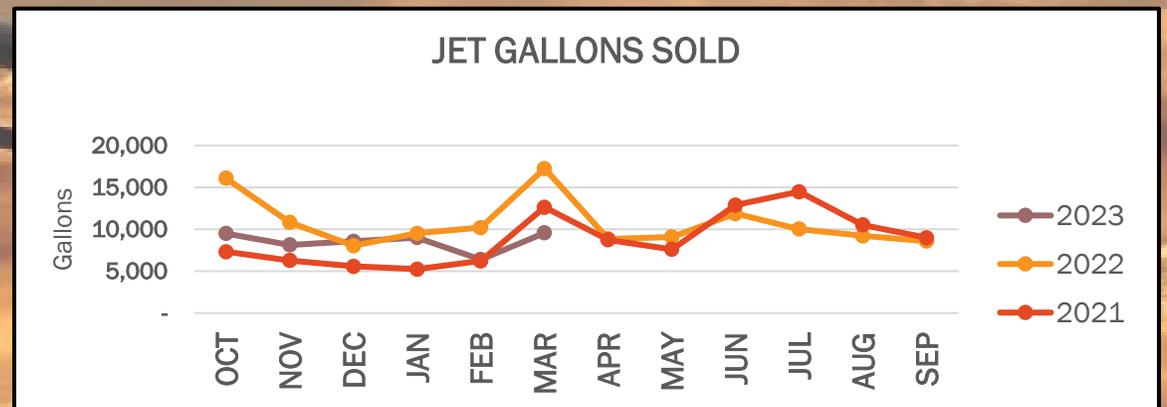
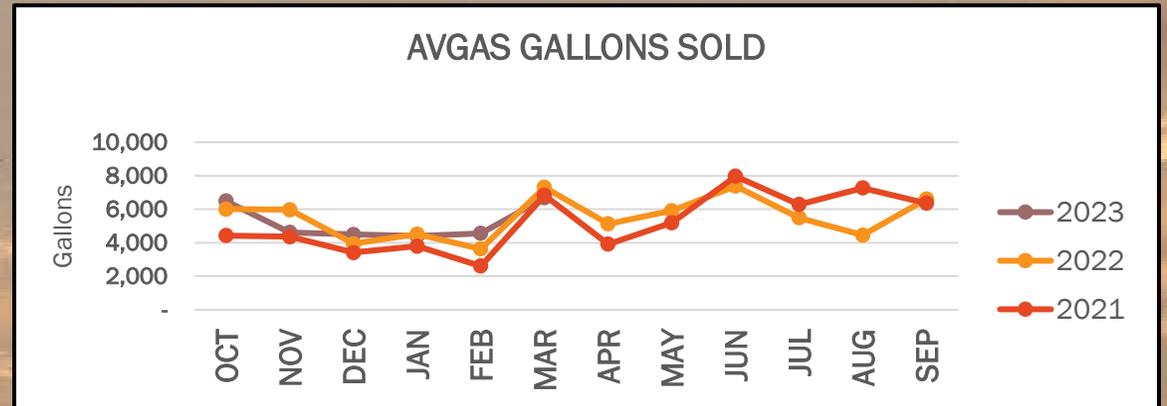
ELECTRIC	Annual Budget	Actual FYTD Mar 2023	% of Budget
Revenues	\$4,089,298	\$1,882,596	46%
Expenses	3,786,446	1,751,916	46%
Profit(Loss)	\$302,852	<b>\$130,680</b>	

WATER/WW	Annual Budget	Actual FYTD Mar 2023	% of Budget
Revenues	\$4,624,417	\$2,205,631	48%
Expenses	4,330,936	2,103,495	49%
Profit (Loss)	\$293,481	<b>\$102,136</b>	



# Airport Fund

	Annual Budget (Amended)	Actual FYTD Mar 2023
Revenues	\$339,381	\$232,597
Expenses	258,228	174,009
Profit (Loss)	\$81,153	\$58,588





# Cash Reserves

## As of March 31, 2023

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Unrestricted Cash Reserve Balance	\$9,548,700
90 Day Reserve Requirement	<u>4,647,000</u>
Unrestricted Cash Balance over 90 Day Reserve	<u>\$4,901,700</u>
“Restricted by Council” Cash Balance	<u>\$2,024,246</u>



Questions?

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STATE OF TEXAS            {}  
COUNTY OF BURNET       {}  
CITY OF BURNET            {}

On this the 11<sup>th</sup> day of April, 2023, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Tx. thereof with the following members present, to-wit:

Mayor                       Crista Goble Bromley  
Council Members         Dennis Langley, Mary Jane Shanes, Philip Thurman, Ricky Langley, Cindia Talamantez  
Absent                     Joyce Laudenschlager  
City Manager             David Vaughn  
City Secretary          Kelly Dix

Guests: Patricia Langford, Brian Lee, Eric Belaj, Maria Gonzales, Adrienne Feild, Mark Miller, Jimmy Crain, Carly Pearson, Jason Davis, Mark Ingram, Miguel Leon, Fran Leon, Bret Burton Paighton Corley, Jackie Haynes, Haley Archer, Lee Cantrell, Dan McBride

Call to Order: Mayor Bromley called the meeting to order at 6:00 p.m.

INVOCATION: Led by Council Mayor Crista Goble Bromley

PLEDGES (US & TEXAS): Led by Council Member Ricky Langley

SPECIAL REPORTS/RECOGNITION:

Annual Audit Report: Jaynes, Reitmeier, Boyd & Therrell, P. C.: P. Langford:

Audited Annual Comprehensive Financial Report:

Compliance and Internal Control Report under a Single Audit:

Letter to City Council: Diana Ward, Auditor for Jaynes, Reitmeier, Boyd & Therrell, P.C presented the Fiscal year ended September 30, 2022 City of Burnet Financial Audit findings to all present. The findings included a review the audited Annual Comprehensive Financial Report, the Compliance and Internal Control Report under a Single Audit, and the Letter to the City Council advising of the City’s compliance in all material respects that could have a direct and material effect on its major federal program for the year ended September 30, 2022.

Oath of Office-Lieutenant Jeremy Stewart: B. Lee: Police Chief Brian Lee introduced and congratulated Officer Jeremy Stewart on his recent promotion to Lieutenant for the Burnet Police Department. City Secretary Kelly Dix administered the Oath of Office to Lt. Stewart.

Engineering Department Quarterly Report: E. Belaj: City Engineer Eric Belaj presented the Engineering Department Quarterly report. The report covered current projects, and updated status of current projects underway.

Delaware Springs Golf Course Quarterly Report: T. Nash: Tony Nash, General Manager of Delaware Springs Golf Course reported to all present the updates to the food and beverage operations at the golf course, the new billboard signs that will be completed soon, spring grounds preparations and increased play at the Golf Course.

CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

Approval of the March 28, 2023 Regular City Council Meeting Minutes

Council Member Philip Thurman moved to approve the consent agenda as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION:

Public Hearing and consideration of the following: Adoption and amendments of the Zoning Ordinance and zoning classifications presented by Habib Erkan, Asst. City Manager, and Leslie Kimbler, City Planner:

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED

“ZONING”) SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Habib Erkan, Assistant City Manager, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-08.

Public Hearing: Mayor Bromley opened the public hearing at 6:35 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Lee Cantrell, Oak Vista, approached the podium and requested clarification of the process with trees that are infected with Oak Wilt. Mr. Erkan provided the clarification. There being no one else wishing to speak, Mayor Bromley closed the public hearing at 6:37 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2023-08 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-09.

Public Hearing: Mayor Bromley opened the public hearing at 6:39 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing at 6:40 p.m.

Consideration and action: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2023-09 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-10.

Public Hearing: Mayor Bromley opened the public hearing at 6:41 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing at 6:42 p.m.

Consideration and action: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2023-10 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-11.

Public Hearing: Mayor Bromley opened the public hearing at 6:43 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing at 6:44 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2023-11 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF

THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-12.

Public Hearing: Mayor Bromley opened the public hearing at 6:45 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing at 6:46 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2023-12 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45 (AMENDING CITY CODE CHAPTER 18 ENTITLED “AVIATION”) TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Ricky Langley moved to approve the first reading of Ordinance No. 2023-07 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING SOUTH HWY 281 DELAWARE COMMERCIAL PLAT, CONSISTING OF APPROXIMATELY 3 COMMERCIAL LOTS ON 19.65 ACRES OUT OF ABST A0398 SUSANO HERNANDEZ & ABST 1018 FRANCICO YBARRO, ABST. 29 WASHINGTON TRACT: L. Kimbler: Council Member Cindia Talamantez moved to approve Resolution R2023-25 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: Request for financial assistance with the Hill Country Humane Society Mobile Adoption and Spay/Neuter Unit: D. Vaughn: Council Member Philip Thurman moved to authorize and approve financial assistance to the Hill Country Humane Society Mobile Adoption and Spay/Neuter Unit in the amount of fifty thousand dollars (\$50,000.00). Council Member Mary Jane Shanes seconded. Mayor Bromley opened discussion by expressing the need for the unit and the service it provides to the area and stated that the Council should consider increasing the financial assistance to one hundred thousand dollars (\$100,000.00). Council Member Philip Thurman amended his previous motion to increase the amount of financial assistance for the Hill Country Humane Society Mobile Adoption and Spay/Neuter Unit to one hundred thousand dollars (\$100,000.00). Mayor Crista Goble Bromley seconded. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest: Council Member Philip Thurman requested a report on Inventories from the Finance Department and a report on the amount of fuel the new generators will require.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:07 p.m. seconded by Council Member Cindia Talamantez. The motion carried unanimously.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Development Services

## ITEM 4.10

Carly Kehoe Pearson  
Director Public Works &  
Development Services  
(512)756-2402 Ext 3515  
ckehoe@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 ( ENTITLED "SUBDIVISIONS"); SEC. 98-21 (ENTITLED "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson

**Background:** In 2019, the Texas Legislature adopted House Bill 3167, which requires all Texas cities and counties to respond to a subdivision plat application, or several other types of applications, within 30 days. In response, the City of Burnet must update its process for reviewing and approving plat applications in order to comply with these requirements. In 2021, the City Council adopted Chapter 98 Article II (Entitled "Subdivisions", "Procedures").

**Information:** Since the last code amendment there have been legal changes affecting the timing of development-related platting reviews that need to be addressed. Moreover, in application of the current regulations, deficiencies were discovered that needed to be addressed. This ordinance provides an amendment of Chapter 98 Article II to address the state law requirements related to timing of plat reviews, otherwise known as the "30-day shot-clock" rule and strengthen the code by fixing the deficiencies and bringing it into compliance with state law.

**Fiscal Impact:** This ordinance has a no fiscal impact.

**Recommendation:** Approve first reading of Ordinance No. 2023-14 as presented.

**ORDINANCE NO. 2023-14**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"); SEC. 98-7 and 98-20 and 98-21 (ENTITLED "DEFINITIONS" AND "GENERAL PROCEDURE" AND "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

**WHEREAS**, in Section 98-22 thereof City Council has adopted procedures for the submission and disposition of subdivision plan and plat applications; and

**WHEREAS**, in order to facilitate an efficient and effective process of plat applications, City Council deems it appropriate to amend the plat application and notification process to conform with state law requirements; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS:**

**Section one. Findings.** The City Council finds all matters stated hereinabove are true and correct and are incorporated herein by reference as if copied in their entirety.

**Section two. Amendment.** The Code of Ordinances, Chapter 98 (entitled "Subdivisions") Section 98-7 (entitled "*Definitions*"), is hereby amended by adding the definition language that follows:

*Alternative Development Review means review of submitted applications in accordance with voluntary alternative approval process in accordance with Texas Local Government Code Section 212.0096*

**Section three. Amendment.** The Code of Ordinances, Chapter 98 (entitled "Subdivisions") Section 98-20 (entitled "*General Procedure*"), Section 98-21 (entitled "*Pre-application procedure*"), and Section 98-22 (entitled "*Preliminary Plat*") is hereby amended by replacing the existing language with the language that follows:

**Sec. 98-20. – General Procedure.**

- (a) Plans for the development of land within the scope of this chapter shall be drawn and submitted to the Planning and Zoning Commission for their recommendation and to the City Council for their approval or disapproval, as provided for herein.
- (b) Notwithstanding any provision of this chapter to the contrary, a developer shall not commence construction activities within the city's jurisdiction, including clearing and/or rough grading, before first obtaining all the city approvals required by this chapter.
- (c) Generally, the subdivision process is comprised of four individual steps, including the pre-application meeting and LOC obtention, the preliminary plat, construction plans, and the final plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval. In the case of minor plats/replats, vacating plats and amending plats, only a final plat is required to be submitted.
- (d) Approval Procedures: The municipal authority shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Municipal Authority shall provide a written statement to the applicant in accordance with TLGC 212.0091.
  - (1) Approval: Meets all requirements of the Code of Ordinances, applicable statutes, form for recording, and other rules and regulations of the City or other applicable law.
  - (2) Approval with Conditions: Has deficiencies in substance or form that the City, in its sole discretion, determines that can be fully corrected or revised without requiring additional review for compliance, without necessitating additional comments for revision, or without substantive modifications to previously reviewed plat-related plans.
  - (3) Disapproval: Does not meet requirements of the Code, applicable statutes, form for recording, or other Rules and Regulations of the City or other applicable law.

(4) Denial: Has previously been disapproved, and the 212.0093 response fails to correct the deficiencies enumerated in the City's written statement of reasons for disapproval.

(e) Resubmittal Applications: Resubmittal Applications are subject to the completeness review process set forth in this Chapter. A Resubmittal Application that modifies the original application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new application and must be accompanied by any required application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial applications, including but not limited to the 30 day approval deadlines.

(f) Standard Development Review: For the purposes of the processing timelines described in Texas Local Government Code Chapter 212, such processing timelines for 30 day approval, conditional approval or disapproval of subdivision-related plats and plans and 15-day plan resubmission review timelines for subdivision-related plans shall begin on the date the application is deemed complete with required LOC and any and all prerequisite applications and processes have been approved. The date the application is deemed complete shall be considered the "filed" date for the purpose of Texas Local Government Code Chapter 212.

(g) Alternative Development Review: The applicant may request in writing that an application submitted under this Ordinance be reviewed under the Alternative Review Procedure described in this Section by electing the Alternative Review Procedure at the time an application is submitted. Each application of a plat and/or plans must submit the city-required form or letter which elects the alternative review and approval process in accordance with Texas Local Government Code 212.0096. The Alternative Review Procedure shall consist of the following:

(1) Submission of the application and completeness review in accordance with this chapter.

(2) Review of the application by staff and return of comments to the applicant in accordance with a review schedule prepared by the Director of Development Services and approved by the Council. The comments shall consist of the reasons that the application does not comply with City ordinances or state law and references to applicable City ordinances or state law.

(3) Submission of the application to the municipal authority after the applicant has corrected all deficiencies in the application and city staff certifies that the application complies with applicable City ordinances.

(4) If an applicant requests the Alternative Review Procedure, then the deadlines for action on Plats or Plans, the requirement for a pre-development meeting, and the requirement for payment of Resubmittal Application Fees will not apply.

(h) The application will expire on or after the 45th day after the date the application is filed if:

(1) The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application.

(2) The City provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided.

(3) The applicant fails to provide the specified documents or other information within the time provided in the notice.

(i) The director of development services is authorized to approve minor plats, but may, for any reason, elect to present the plat to the planning and zoning commission for approval. However, the director shall not disapprove the plat and shall be required to refer those which he refuses to approve to the planning and zoning commission.

(j) No final plat or construction plans shall be accepted until the preliminary plat has been approved as provided in Section 98-22.

(k) All submittals requiring notice to neighboring properties must include a list of the names and addresses of all property owners within the required distance and a preprinted mailing label for each.

(l) Standards. All subdivisions, plats, master plans, and replats are to be approved, approved with conditions or denied by the City in accordance with the requirements of V.T.C.A., Local Government Code Chapter 212 as amended.

(m) Zoning requirements. A property within the city's corporate limits that is being proposed for platting or development may be the subject of a rezoning application either before or at the same time as the submission of an application for a master plan or plat. The City may consider a master plan or any type of plat simultaneously with a zoning district change application or an application for a variance from the standards in the zoning ordinance and may condition approval of a master plan or any type of plat upon final council approval of the zoning district change or board of adjustment approval of a zoning ordinance variance which would cause the master plan or plat to be consistent with the zoning. Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, may constitute grounds for denial of the master plan or plat.

(n) Administrative procedures. In addition to the requirements outlined herein for each type of application, the city may maintain separate policies and procedures for the submission and processing of applications consistent with the provisions of this chapter

including, but not limited to, application forms, fee schedules, checklists, language blocks for plats, and other similar items. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

**Sec. 98-21. – Pre-application Procedure & Processing of Plats.**

(a) The developer or the developers authorized agent(s) shall schedule a Pre-Development Meeting (PDM) to meet with the city planning department staff at least two weeks or more prior to submitting the required subdivision application packet. The purpose of this meeting is to discuss the requirements of these regulations, to familiarize the developer with the applicable goals and objectives of the City's comprehensive plan and the governing body, to identify policies which create opportunities and pose significant constraints for the proposed development, and to discuss the proposed subdivision in relation to these matters.

(b) The director of development services may notify the developer of the option of concurrent review of the subdivision by local government and the Lower Colorado River Authority (LCRA).

(c) The developer shall provide a concept plan of the proposed subdivision for review and discussion. This concept plan shall be legibly drawn and show in simple form the layout of the proposed features in relation to existing site conditions. This concept plan may be a rough draft of the proposed preliminary plat, including the scale dimensions. Include the following information in this plan:

- (1) Approximate locations of lot and tract boundaries, utility lines and facilities, easements, rights-of-way, existing structures and improvements, and parks and open space.
- (2) General description of the terrain and of all natural features, e.g., streams and lakes.
- (3) Proposed public improvements.

(d) Processing of subdivision plats.

(1) Letters of Certification and Completeness:

Prior to the City accepting an application to have a plat, site development or master plan considered by the City, the applicant shall secure a Letter of Certification and Completeness (LOC) from all applicable reviewing entities, including but not limited to the planning department, engineering department, public works departments, water and wastewater utility providers, local counties and pertinent county, state, or regulatory agencies including the Lower Colorado River Authority (LCRA) and Texas Department of Transportation (TxDOT). This is obtained by submitting a complete application and payment of any applicable fees to the planning

department, which will then route it for completeness review to all applicable City departments. Each applicable City department shall notify the planning department and either issue or deny the issuance of an LOC w/in 30 calendar days of days application being received by that department. Letters from outside agencies must be obtained by the applicant and provided to the city with their application to the planning department.

(A) Acceptance requirements. Any request for an LOC shall be accompanied by a complete application, fees and associated documents required with the application.

(B) Review and issuance. After the City has determined whether the request for LOC and required technical data is complete, the City shall route and review the application and associated documents and either issue or deny the LOC. Whenever the City determines that the application and associated documents do not conform with City requirements, the City will issue notification to the applicant of the deficiencies and the applicant may at his/her option revise any nonconforming aspects. The review timeline of 30 days pauses during any time which the applicant is correcting deficiencies. If any data is revised and resubmitted, the City shall resume review of the application to issue or deny the LOC.

(C) Scope of issuance. An LOC will specify the items associated with the subdivision plat or master plan that comply with the applicable development requirements. An LOC does not authorize the development or subdivision of land nor approves items not specified and reviewed by other reviewing entities. An LOC shall remain valid for one year from the date of issuance. After that time period, a new LOC shall be required to apply for a subdivision plat or master plan.

(D) Amendments. An LOC may be amended prior to submitting an application for subdivision plat or master plan if the proposed amendment:

(i.) Does not change the boundary of the subdivision.

(ii.) Does not change the peak hour trips by more than ten percent or traffic impact analysis submittal type.

(iii.) Does not change the drainage area, development discharge location or floodplain/floodway boundary.

(E) Recording Procedures. LOCs are not recorded. An LOC shall be maintained by the applicant and presented with the formal application for subdivision plat or master plan.

(F) Filing Date. An application will be considered accepted and filed on the date that the complete LOC is issued to the applicant.

(2) The applicant shall submit the plat to the planning department in accordance with the approved submittal calendar, which will be established in accordance with an approved commission meeting calendar. In addition, such plat shall be accompanied by an application, nonrefundable application fee, and associated documents required on the application checklists including approved LOCs.

(3) The planning department will conduct a review of the plat as to its conformity with any associated master plan, the major thoroughfare plan, future land use plan, zoning ordinance, the City's comprehensive plan or other applicable city plans, and the standards and specifications set forth in this chapter or referred to in this chapter, and other city ordinances. Any other applicable city departments shall perform a technical review of the submittals where required.

(4) The planning commission shall meet in accordance with the approved commission meeting calendar.

(5) If the planning commission does not approve, approve with conditions, or disapprove the plat within 30 days from the filing date, the plat shall be deemed to have been approved by the planning commission. A certificate showing the filing date and the failure to take action thereon within the periods prescribed in this section shall, on demand by the applicant, be issued by the planning commission. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval required in this section for recordation.

(6) Meeting calendar. The commission shall approve a meeting calendar for every calendar year. Such calendar shall prescribe at a minimum the "application deadline date" for submission of plats and the "commission's meeting date" on which plats will be considered.

(7) If a plat is approved with conditions or disapproved, the planning and development services department shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval. Each condition or reason must be directly related to the requirements of the local ordinance or state statute and include citations to the specific law/ordinance.

(8) To obtain approval after a conditional approval or disapproval, an applicant shall submit a written response demonstrating how they have satisfied each condition or remedied each reason for disapproval.

(9) The City and all reviewing entities shall determine whether to approve or deny a previously conditionally approved or disapproved plat within 15 days of receipt of the applicant's response.

(A) The City may deny the plat only for a specific condition or reason provided to the applicant in response to the initial conditional approval or disapproval.

(B) If the applicant's response adequately addresses each condition or reason for disapproval, then the City shall approve the plat.

(C) If the City does not approve or disapprove the plat within 15 days, the plat is deemed approved.

(e) Proof of land ownership.

The City requires proof of land ownership prior to approval of any application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the planning director, that the applicant is the owner of record of the subject land parcel or parcels or is the property owner's duly authorized agent. The planning director shall have the authority to determine what document(s) the City will require to prove ownership, such as one of the following: deed; (2) title policy; (3) tax receipt; (4) notarized signature(s) on the application form; or (5) some other documentation that is acceptable to the planning director.

If ownership cannot be conclusively established prior to the meeting date on which the application will be heard, the city shall have the authority to deny the application on the basis of protecting the public interest. The applicant may resubmit a new application for the property at any time following such denial.

**Sec. 98-22. - Preliminary plat.**

(a) Purpose. The preliminary plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A preliminary plat shall be required for any subdivision of land, except as otherwise provided for in this chapter.

(b) Format. One 24X36 copy of the preliminary plat shall be provided and drawn at a scale of one-inch equals 100 feet with all dimensions labeled accurately to the nearest foot. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one inch equals 400 feet shall be attached to the plat.

(c) Representation of plat. The developer and/or his agent is encouraged to attend the public hearings during which the subdivision application is to be considered. The planning and zoning commission may deny the request if the application is not represented by the developer and/or his agent and city staff does not have the information required to satisfy questions raised by commission members.

(d) Content. The preliminary plat shall include all of the land intended to be developed and any off-site improvements required to accommodate the project. If the subdivision is to be developed in phases, each phase shall be identified on the preliminary plat. The preliminary plat shall contain or have attached thereto:

(1) General information.

(A) Name, address, and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).

(B) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the city or within the extraterritorial jurisdiction of the city, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.

(C) The date, scale, and north indicator.

(D) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one-mile using a scale of one-inch equals 2,000 feet or as approved by city staff. The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(E) The owner's name, deed or plat reference and property lines of property within 300 feet of the subdivision boundaries as determined by the most recent tax rolls.

(F) Certification and signature blocks as required by the city and the county. The city planning director will sign the preliminary plat showing that the plat is the document approved by the city council.

(G) The total acreage of the property to be subdivided and the subtotals by land use.

(H) A closure run sheet demonstrating an adjusted mathematical closure is in compliance with "The Texas Board of Professional Land Surveying General Rules of Practice."

(I) Developers that elect to phase in sections of a subdivision project shall provide a phasing plan for the entire land area encompassed within the subdivision for review and approval in conjunction with the plat. Subsequent changes to the phasing may be approved by the director of planning and development, after review by the city engineer, without being considered by the planning and zoning commission or city council.

(2) Existing conditions.

(A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(B) The location of existing water courses, dry creek beds, wells, sinkholes and other similar topographic features.

(C) Significant trees, within the boundaries of the subdivision and of eight-inch caliper and larger, shall be shown accurately to the nearest one foot. Critical root zones of these trees shall also be shown.

(D) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.

(E) Areas subject to flooding shall be shown, delineating the regulatory 100-year floodplain, annotating the base flood elevation (BFE), and any other floodplains identified in the FIRM maps as developed by FEMA. If neither encroaches upon the subject property, a note to that effect must be placed upon the drawing.

(F) Topographic data indicating two-foot contour intervals for slopes less than ten percent and five-foot contour intervals for slopes exceeding ten percent. The contoured area shall extend outward from the property boundary for a distance equal to 25 percent of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.

(G) The locations, sizes, and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.

(H) The location, dimensions, names, and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records.

The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

(I) The location of city limit lines and/or outer border of the city's extra-territorial jurisdiction, as depicted on the city's most recent base map, if

either traverses the subdivision or is contiguous to the subdivision boundary.

(3) Improvements.

(A) The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this and other applicable ordinance or law.

(B) The developer shall include a copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(C) The location, dimensions, names, and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.

(D) If applicable, the location of building setback lines indicated by dashed lines on the plat.

(E) Numbers to identify each lot and each block.

(F) The lengths of each proposed property line of all lots. The area of each lot shall be provided.

(G) Significant trees to remain during construction showing the critical root zones as solid circles, and significant trees designated to be removed showing the critical root zones as dashed circles utilizing a separate aerial view of the area to be subdivided.

(H) The developer shall be responsible for providing replacement trees as shown in the application submittal documents based on a replacement ratio (inches removed to inches planted) of:

(i.) One to two for significant trees 18 inches in caliper and larger, and

(ii.) One to one for significant trees between 8 and 18 [inches] in caliper.

(iii.) Replacement trees shall not be required for the removal of trees smaller than eight inches in caliper. The removal of significant trees larger than 18 inches in caliper shall require commission approval.

(l) Developer shall contact the postmaster for the U.S. Postal Service in the city to discuss requirements for the delivery of mail to residents of the subdivision and any other requirements they may have.

(4) Support documents.

(A) A drainage study, consisting of a drainage area map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this chapter and good engineering practices, shall be provided to ensure the property will be developed in accordance with city drainage policies and LCRA regulatory requirements.

(B) Utility demand data, consistent with the proposed uses indicated on the preliminary plat, to determine the adequacy and the consistency of proposed utility improvements.

(C) If a subdivision is located in an area served by any utility other than the city, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the utility's intent to serve the property.

(5) Accuracy of data.

The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the City, excepting that data which can only be obtained from the City.

(6) Procedure.

A preliminary plat for any proposed subdivision of land shall be submitted to the City planning department for commission review and subsequent City Council approval.

(1) Legible prints as indicated on the application form, shall be submitted in accordance with the city's adopted submittal calendar, along with the following:

(A) Completed application and the payment of all applicable fees.

(B) A summary letter briefly stating the type of street surfacing, drainage, electrical, water and wastewater facilities proposed.

(C) A petition requesting annexation, if applicable.

(D) A letter of form as required by the City requesting any variances from the provisions of this chapter with the payment of any administrative fees.

(E) Any attendant documents needed to supplement the information provided on the preliminary plat.

(2) All applicable city staff shall review all preliminary plat applications in accordance with Sec. 98-21. If it meets the requirements as outlined in this Chapter, a Letter of Certification & Completeness (LOC) will be issued to the applicant in accordance with Sec. 98-21. If, in the judgment of city staff, the preliminary plat submittal substantially fails to meet the requirements as outlined in this Chapter, it will not be accepted, and the preliminary plat application shall be deemed incomplete. The developer shall remedy all deficiencies, or the preliminary plat shall be rejected for filing and new filing fees will be required for subsequent submittals.

(3) After the preliminary plat application is determined to be accepted and filed upon issuance of an LOC in accordance with Sec. 98-21, an action letter will be provided to the applicant within 30 days of the filing date. The action letter will be included in the agenda packet for all items that are reviewed by the Planning and Zoning Commission, or by email if the application is only reviewed administratively.

(4) If the developer chooses to withdraw the preliminary plat, in writing, by noon of the third working day preceding the meeting, the submittal may appear on the next commission or council agenda, as applicable, after repayment of the applicable fees if notices of public hearing are required or more than 60 days elapse between the voluntary withdrawal of the preliminary plat and the commission or council agenda for which the preliminary plat was ready for consideration.

(f) Notification.

(1) Except as provided in subsection (2), immediately below, notice of the commission's consideration of a preliminary plat application or preliminary replat application shall comply with the Texas Open Meeting Act.

(2) Notification of commission consideration of an application to replat property zoned within the preceding five years as single family/duplex residential shall comply with the public notice/hearing requirements of V.T.C.A. Local Government Code § 212.015.

(g) Approval. The commission shall make a recommendation to the city council on the preliminary plat application. The plat will be considered at the next regularly scheduled public hearing of the city council.

(1) The municipal authority shall act within 30 days of the preliminary plat filing date to either recommend approval, conditional approval, or disapproval of the

application. Failure of the municipal authority to act within the 30 days shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) Zoning of the tract, if applicable, that shall permit the uses proposed by the preliminary plat, or any zoning amendment necessary to permit the proposed uses shall have been adopted prior to or concurrently with the approval of the preliminary plat by the council.

(3) Approval of the preliminary plat shall not constitute approval of the final plat but shall constitute a vesting of the right to develop under city ordinances, codes and policies in effect on the date the requested permit is filed, provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.

(4) The developer may elect to phase the subdivision project.

(5) The developer should be aware that specific approvals from other agencies may be required.

(6) Upon approval of the preliminary plat and all signatures having been executed, the developer shall furnish one Mylar reproducible copy of the approved plat to be kept on file at the city as public record.

(h) Expiration.

(1) The approval of the preliminary plat or any subsequent plan or plat shall expire no earlier than the 5th anniversary of the date the first permit application was filed for if no progress has been made towards completion of the project or; an extension is granted by the commission in accordance with this chapter.

(2) If a preliminary plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the commission and council and the approval by both bodies. All fees shall be repaid as if the plat were initially being submitted.

(i) Extension. The developer may apply for an extension, in writing, prior to the 5th anniversary of the first permit application filing date, stating reasons for needing the extension and demonstrating pursuit of approvals for construction plans and/or final plat in accordance with this chapter. Upon receipt of this written request, the commission may, at its discretion, grant up to a two-year extension so long as the preliminary plat remains consistent with the master plan and/or ordinances of the City.

(j) Revision. If a revision to a previously approved preliminary plat is required, then no application for final plat shall be accepted until the revised preliminary plat has been submitted and approved by the commission. This signed, approved document shall be kept on file as public record in the offices of the City.

(k) Responsibility. Notwithstanding the approval of any preliminary plat by the council commission or the city engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(l) Unlawful to record. It shall be unlawful to cause to be recorded, any preliminary plat of land within the city limits or extraterritorial jurisdiction of the city, with the county clerk and recorder's office.

**Section four. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section five. Penalty.** A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "*general penalty*").

**Section six. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 7, (entitled "*Repealer*") shall be controlling.

**Section seven. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section eight. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section nine. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**Passed** on first reading on the 25<sup>th</sup> day of April, 2023.

**Passed, Approved and Adopted** on the 9<sup>th</sup> day of May, 2023.

**CITY OF BURNET**

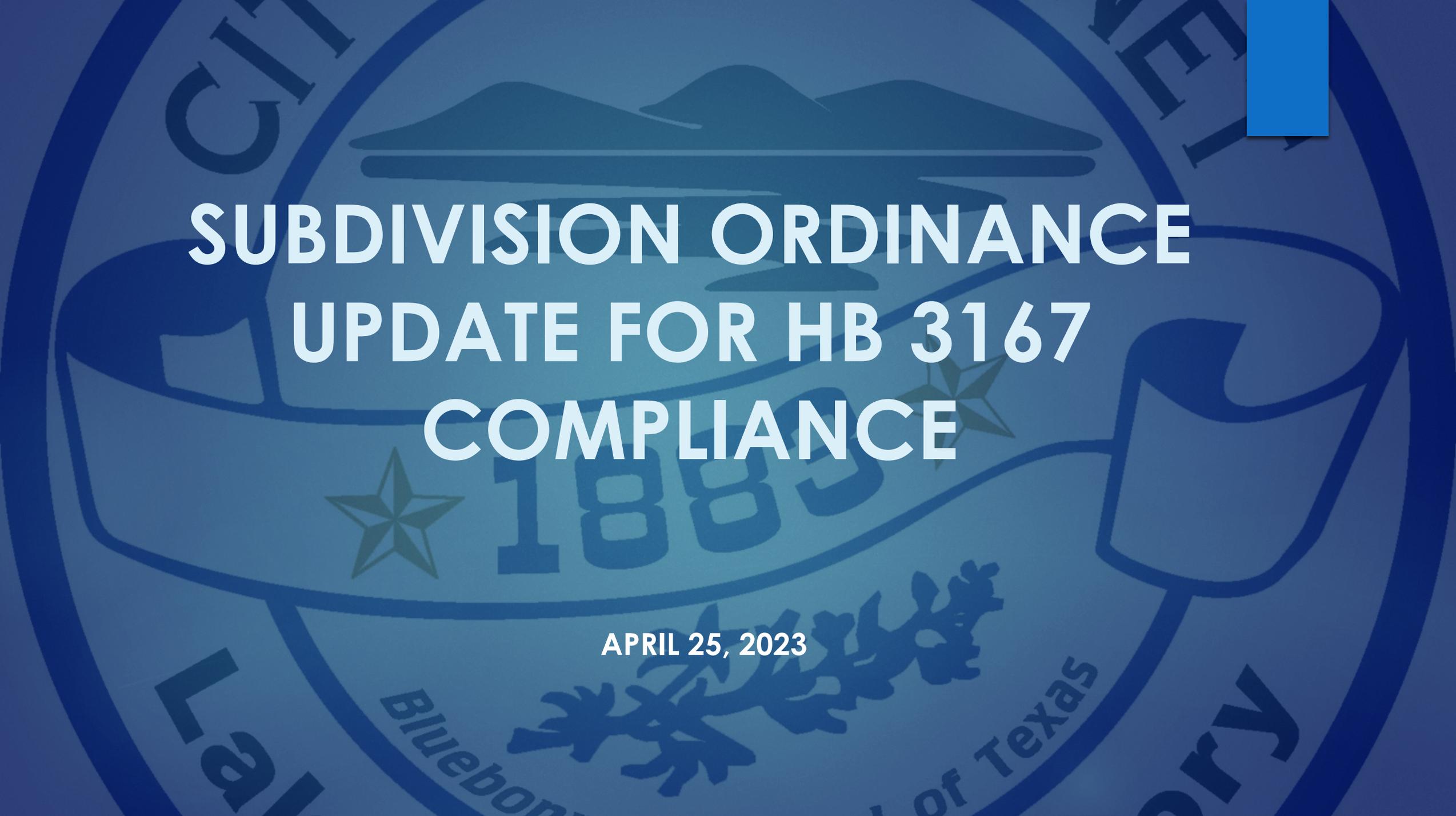
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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary

The background of the slide is a large, semi-transparent blue seal of the City of Dallas. The seal features a central landscape with mountains and a river, flanked by two stars. Below the landscape is a banner with the year '1883'. The outer ring of the seal contains the text 'City of Dallas' and 'Bluebonnet' at the bottom. A solid blue vertical bar is located in the top right corner.

# SUBDIVISION ORDINANCE UPDATE FOR HB 3167 COMPLIANCE

APRIL 25, 2023

# Public Hearing and Action: Item 3.1A

First Reading of: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"); SEC. 98-21 (ENTITLED "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

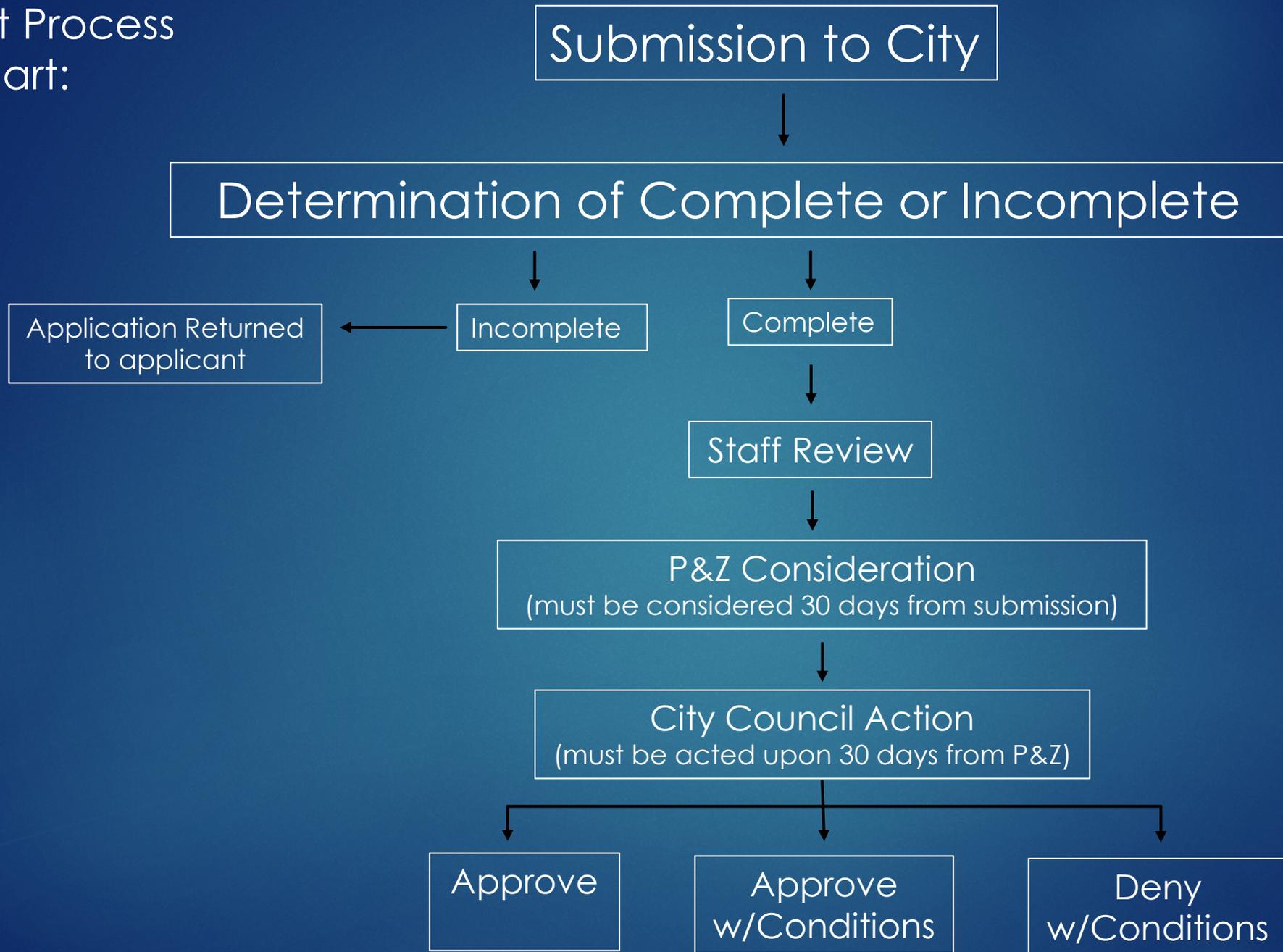
# Public Hearing and Action

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**H. B. 3167 became law on 09/01/2019**

**“The shot clock”** All Texas cities must take the following action with regard to the “initial approval” of a plan or plat **within 30 days** after the date the plan or plat is filed: (1) recommend approval, (2) recommend approval with conditions, or (3) recommend disapproval with explanation.

Current Process  
Flowchart:



# Public Hearing and Action

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This ordinance provides an amendment of Chapter 98 Article II to be compliant with the state law requirements related to timing of plat reviews, otherwise known as the “30-day shot-clock” rule by fixing the deficiencies and bringing it into compliance with state law.



Thank you!  
Questions?



## Administration

## ITEM 4.1

Habib Erkan Jr.  
Assistant City Manager  
512-715-3201  
herkan@cityofburnet.com

## Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45 (AMENDING CITY CODE CHAPTER 18 ENTITLED "AVIATION") TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

**Background:** City Council tasked staff to make comprehensive revision to City Code Chapter 18, Articles I, II and III to, among other purposes, address the engagement of a new FBO. To that end, City Council authorized the engagement of KSA Engineering to assist with the revision. On July 26, 2022, City Council approved the first component of the revisions. On November 8, 2022, City Council adopted Ordinance No. 2022-45 amending City Code Chapter 18 (entitled "Aviation") to allow the adoption of the "*Airport Standards and Operating Policy for Burnet Municipal Airport/Kate Craddock Field*" by resolution (hereinafter the "*minimum standards*"); and to update Chapter 18. At the time of publication of the notice and the first reading of Ordinance No. 2022-45 it was staff's belief that the minimum standards would be finalized for consideration with the adoption of Ordinance No. 2022-45. When it became apparent that the minimum standards would not be finalized before the second reading, Section eight of Ordinance No. 2022-45 was revised to become effective 180 days from adoption (May 7, 2023).

It should be noted that there was a sense of urgency in passing the minimum standards to complement the Fixed Base Operator Agreement that was being negotiated with Crosby Flying Services. However, due to the delay in finalizing the minimum standards, the Fixed Base Operator Agreement was finalized and adopted by City Council with reference to future minimum standards.

**Information:** The expiration date for Ordinance No. 2022-45 falls on May 7, 2023. This ordinance extends the expiration date an additional 180 days to provide ample time for consideration of the minimum standards by the Airport Advisory Board, and the public before presentation to City Council.

There have been no changes to Ordinance 2023-07 since the first reading on April 11, 2023.

**Fiscal Impact** This ordinance should have no direct impact on the budget.

**Recommendation:** Approve and adopt Ordinance No. 2023-07 as presented.

**ORDINANCE NO. 2023-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45 (AMENDING CITY CODE CHAPTER 18 ENTITLED "AVIATION") TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, City Council tasked staff to make comprehensive revision to City Code Chapter 18, Articles I, II and III to, among other purposes, address the engagement of a new FBO; and; and to update Chapter 18; and

**WHEREAS**, to that end, City Council authorized the engagement of KSA Engineering to assist with the revision. On July 26, 2022, City Council approved the first component of the revisions; and

**WHEREAS**, on November 8, 2022, City Council adopted Ordinance No. 2022-45 amending City Code Chapter 18 (entitled "Aviation") to allow the adoption of the "*Airport Standards and Operating Policy for Burnet Municipal Airport/Kate Craddock Field*" by resolution (hereinafter the "*minimum standards*"); and

**WHEREAS**, at the time of publication of the notice and the first reading of Ordinance No. 2022-45 it was staff's belief that the minimum standards would be finalized for consideration with the adoption of Ordinance No. 2022-45; and

**WHEREAS**, when it became apparent that the minimum standards would not be finalized before the second reading section eight of Ordinance No. 2022-45 was revised to become effective 180 days after adoption (May 7, 2023); and

**WHEREAS**, additional time is required to publish the minimum standards and to conduct public hearings before the airport advisory board and city council; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS THAT:**

**Section one. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section two. Amendment.** Ordinance No. 2022-45, passed, approved, and adopted on the 8<sup>th</sup> day of November 2022, is hereby amended by replacing the existing language in section eight therein with the language in italics (italics) below:

*“Section eight. Effective Date. This Ordinance shall be effective, without the need for further City Council action, upon the approval of a resolution adopting Minimum Standards as referenced in Exhibit “A”; provided that should such resolution not be approved on or before September 28, 2023, this ordinance shall be void and of no further effect.”*

**Section three. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

**Section four. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section five. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section six. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section eight. Effective Date.** This ordinance shall be effective upon final passage, approval, and adoption. Ordinance No. 2022-45 shall become effective as provided in section two herein.

Passed and approved on first reading on the 11<sup>th</sup> day of April 2023.

Passed, approved, and adopted on the 25<sup>th</sup> day of April 2023.

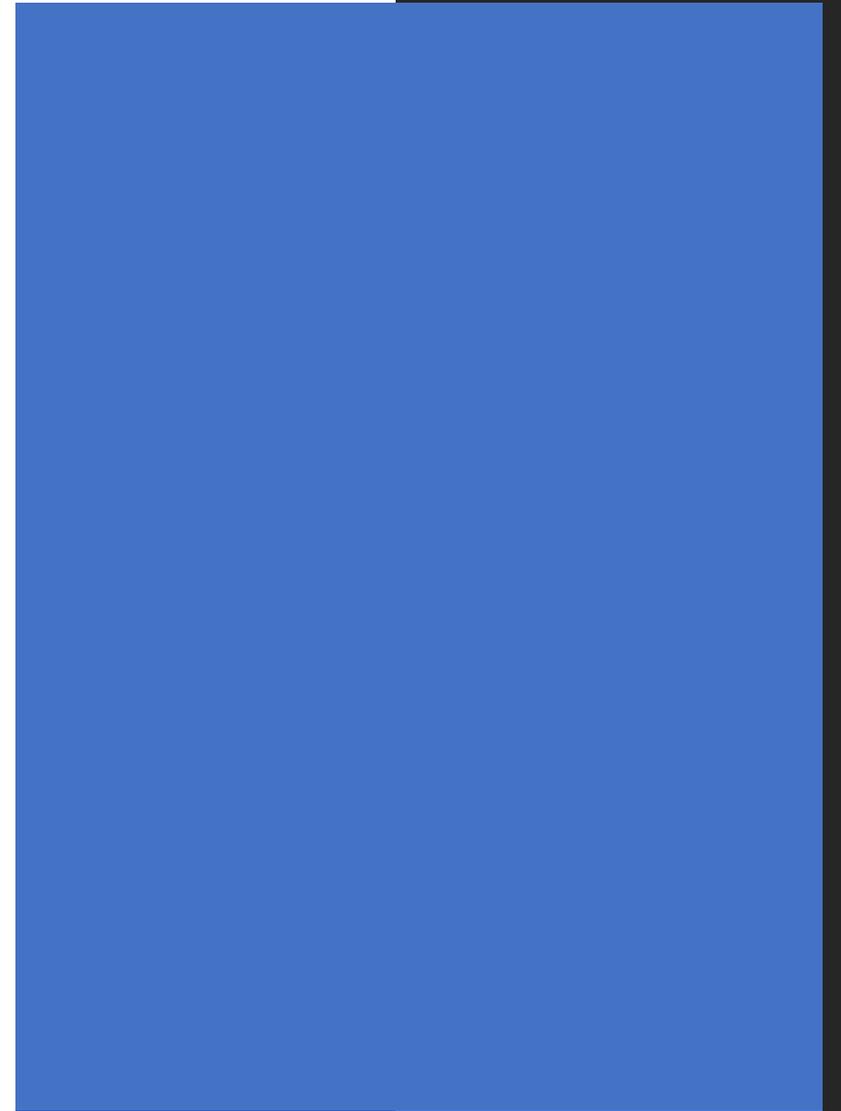
**ATTEST:**

**CITY OF BURNET**

\_\_\_\_\_  
Kelly Dix, City Secretary

\_\_\_\_\_  
Crista Goble Bromley, Mayor

SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45 (AMENDING CITY CODE CHAPTER 18 ENTITLED “AVIATION”) TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE



# Background

- Council tasked staff to comprehensive revision to City Code Chapter 18, Articles I, II and III
  - revise minimum standards
  - update fee schedule
- Fee schedule update approved by Council on July 26, 2022
- Council authorized engagement of KSA Engineering
  - Staff and consultant collaboration on revised minimum standards.

## Ordinance No. 2022-45

- Amended Chapter 18 (Aviation)
  - Authorized adoption of Airport Standards and Operating Policy be adopted by resolution
  - Made other minor changes to Chapter 18
- First Reading (October 25, 2022)
  - Urgency to Airport Standards and Operating Policy (FBO Contract)
- Second Reading (November 8, 2022)
  - Airport Standards and Operating Policy incomplete
  - Ordinance Effective date was revised to accommodate future Airport Standards and Operating Policy adoption
  - Airport Standards and Operating Policy adoption deadline – May 7, 2023

## **Ordinance No. 2023-07**

### Amendment to Ord No. 2022-45

- Extends Airport Standards and Operating Policy adoption deadline an additional 180 days to provide time for
  - Notice publication;
  - Airport Advisory Board review
  - Airport Advisory Board public hearing and consideration
  - There have been no changes to Ordinance 2023-07 since the first reading on April 11, 2023.
  - City Council public hearing and consideration



Questions/Comments





## Development Services

## ITEM 4.2

Habib Erkan Jr.  
Assistant City Manager  
512-715-3201  
herkan@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

**Background:** The municipal golf course vegetative buffer was established by Ordinance No. 2022-12. The ordinance established a 25-foot-wide municipal golf course vegetation buffer on lots abutting the golf course. The ordinance requires the vegetative buffer area to remain in its natural state or be landscaped. The ordinance, as originally adopted prohibited the placement of structures of fences within the vegetative buffer area. The ordinance was amended earlier this year to allow the city manager issue decorative fence waivers for lots not abutting tee boxes, putting greens or irrigation pedestals.

**Information:** This ordinance was proposed at the March 14, 2023, City Council meeting. This ordinance provides protection to all Live Oaks within Municipal Golf Course Vegetative Buffer. This ordinance would allow the removal of such trees upon approval of a tree removal permit. The ordinance authorizes the City Manager to issue such permit when he determines the tree in question is less than 36 caliber inches and located within close proximity to the proposed location of the slab for the house to be constructed on the lot.

It should be noted that the Planning and Zoning Commission, in its unanimous recommendation to approve the ordinance, recommended that the code require subdividers to place a plat note on subdivision plats informing the public that "golf course lots" are

subject to the Municipal Golf Course Vegetative Buffer requirements. Staff will present an amendment to the Subdivision Ordinance to City Council at a future meeting addressing the Commission's recommendation.

There have been no changes to Ordinance 2023-08 since the first reading on April 11, 2023.

**Fiscal Impact** No direct fiscal impact is anticipated.

**Recommendation:** Approve and adopt Ordinance 2023-08 as presented.

**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED “ZONING”) SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 2022-12, City Council established a 25-foot-wide municipal golf course vegetation buffer, (hereinafter sometimes the “buffer”) on properties adjoining the golf course; and

**WHEREAS**, at its regularly scheduled meeting on March 14, 2023, City Council directed the City Manager to bring forward an amendment to Ordinance No. 2022-12 to protect live oak trees within the buffer; and

**WHEREAS**, on April 3, 2023, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

**WHEREAS**, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

**WHEREAS**, on April 11, 2023, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

**WHEREAS**, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, and the general welfare; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the periods prescribed by Section 3.14 and state law; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Amendment.** The Code of Ordinances, Chapter 118 (entitled “Zoning”) is hereby amended by adding to Section 118-63 (entitled “*Municipal Golf Course Vegetative Buffer Requirements*”) a new subsection (h) (entitled “*Tree Protection*”) and (g) (“*Administration*”) to read as follows:

- (h) *Tree protection.* No live oak trees may be removed from the Municipal Golf Course Vegetative Buffer Zone, without the issuance of a permit by the City Manager authorizing such removal. Issuance of such permit shall be subject to the following:
  - (1) *Criteria:* The City Manager shall only issue a permit after making a finding that the live oak to be removed is located within ten feet of the slab of the main structure and is less than 36 caliper inches in diameter.
  - (2) *Administration.* Applications for a permit shall be made on such form as provided by the City Manager and shall be accompanied by the default application fee as referenced in Article VI of the Fee Schedule. The City Manager shall approve or deny the application within ten business days of receipt. The City Manager’s failure to timely act on the application shall be deemed a denial.

**Section two. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section three. Penalty.** A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “*General Penalty*”).

**Section four. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “*Repealer*”) shall be controlling.

**Section five. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section six. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this

Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section ten. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**Passed** on first reading on the 11<sup>th</sup> day of April 2023.

**Passed, Approved and Adopted** on the 25<sup>th</sup> day of April 2023.

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

ATTEST:

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Kelly Dix, City Secretary



Second and final Reading:  
Amendment to Golf  
Course Vegetation Buffer  
Tree Preservation  
Ordinance. City Code  
Section 118-63.

City Council regular meeting

April 25, 2023



# Background

- Sec. 118-63
  - Buffer applies to lots abutting the golf course as shown on Map
  - Buffer is 25-feet in width
  - Buffer may be maintained in its natural state or may be landscaped by the planting of non-native vegetation and decorative stones
  - Ordinance amended earlier this year to allow for decorative fences with waiver from City Manager



# Ordinance Amendment

- Provides protection to all Live Oak trees within vegetative buffer
- Allows removal of such trees with issuance of tree removal permit from City Manager
  - Trees must be less than 36 caliber inches
  - AND located within close proximity to proposed location of slab for house to be built

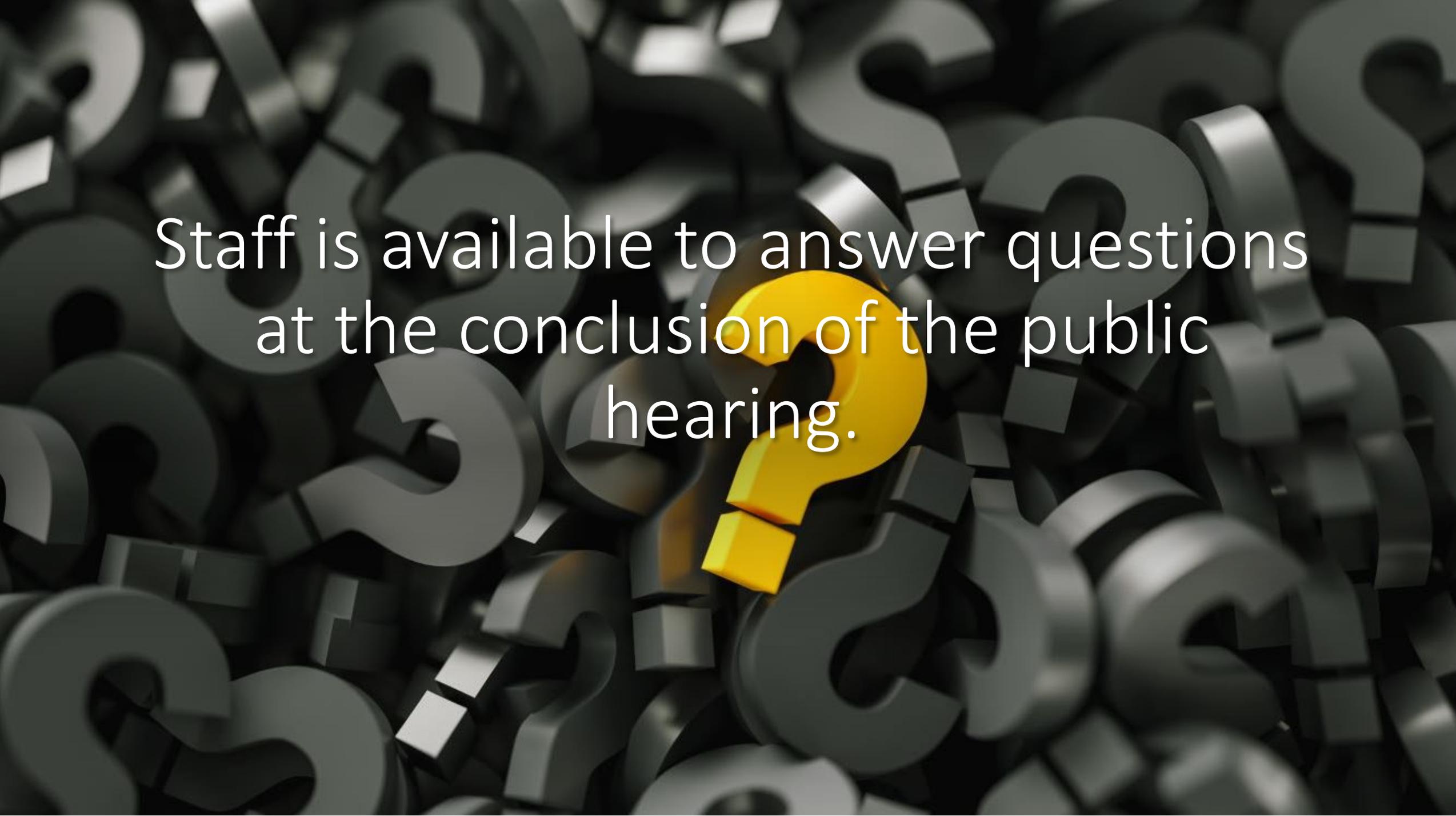
# Amendment

- Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) is hereby amended by adding to Section 118-63 (entitled “Municipal Golf Course Vegetative Buffer Requirements”) a new subsection (h) (entitled “Tree Protection”) and (g) (“Administration”) to read as follows:
  - (h) Tree protection. No live oak trees may be removed from the Municipal Golf Course Vegetative Buffer Zone, without the issuance of a permit by the City Manager authorizing such removal. Issuance of such permit shall be subject to the following:
    - (1) Criteria: The City Manager shall only issue a permit after making a finding that the live oak to be removed is located within ten feet of the slab of the main structure and is less than 36 caliper inches in diameter.
    - (2) Administration. Applications for a permit shall be made on such form as provided by the City Manager and shall be accompanied by the default application fee as referenced in Article VI of the Fee Schedule. The City Manager shall approve or deny the application within ten business days of receipt. The City Manager’s failure to timely act on the application shall be deemed a denial.



# Commission Recommendation

- Planning and Zoning Commission:
  - Conducted a public hearing on April third;
  - Unanimously recommended approval of proposed ordinance
  - Recommended code amendment requiring plat note
  - There have been no changes to Ordinance 2023-08 since the first reading on April 11, 2023



Staff is available to answer questions  
at the conclusion of the public  
hearing.



**Development Services**

**ITEM 4.3**

Leslie Kimbler  
 Planning Manager  
 512-715-3215  
 lkimbler@cityofburnet.com

**Action**

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and Consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. KIMBLER

**Background:** The property is located on the South side of Hill Street. While it is currently zoned as light commercial, “C-1”, it has been an existing non-conforming single-family residence since 1940.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, Single Family Residential – District “R-1” is intended to conserve and protect the surrounding single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- “R-1” is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	“R-2a”	“R-2”	“R-3”	“R-1”
<b>FLUM</b>	Residential	Residential	Residential	Residential
<b>Land Use</b>	Townhomes	Apartments	Apartments	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 2023, and written notices were mailed to fifteen (15) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**P&Z Report:** Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-09 as presented.

**Information:** There have been no changes to Ordinance 2023-09 since the first reading on April 11, 2023.

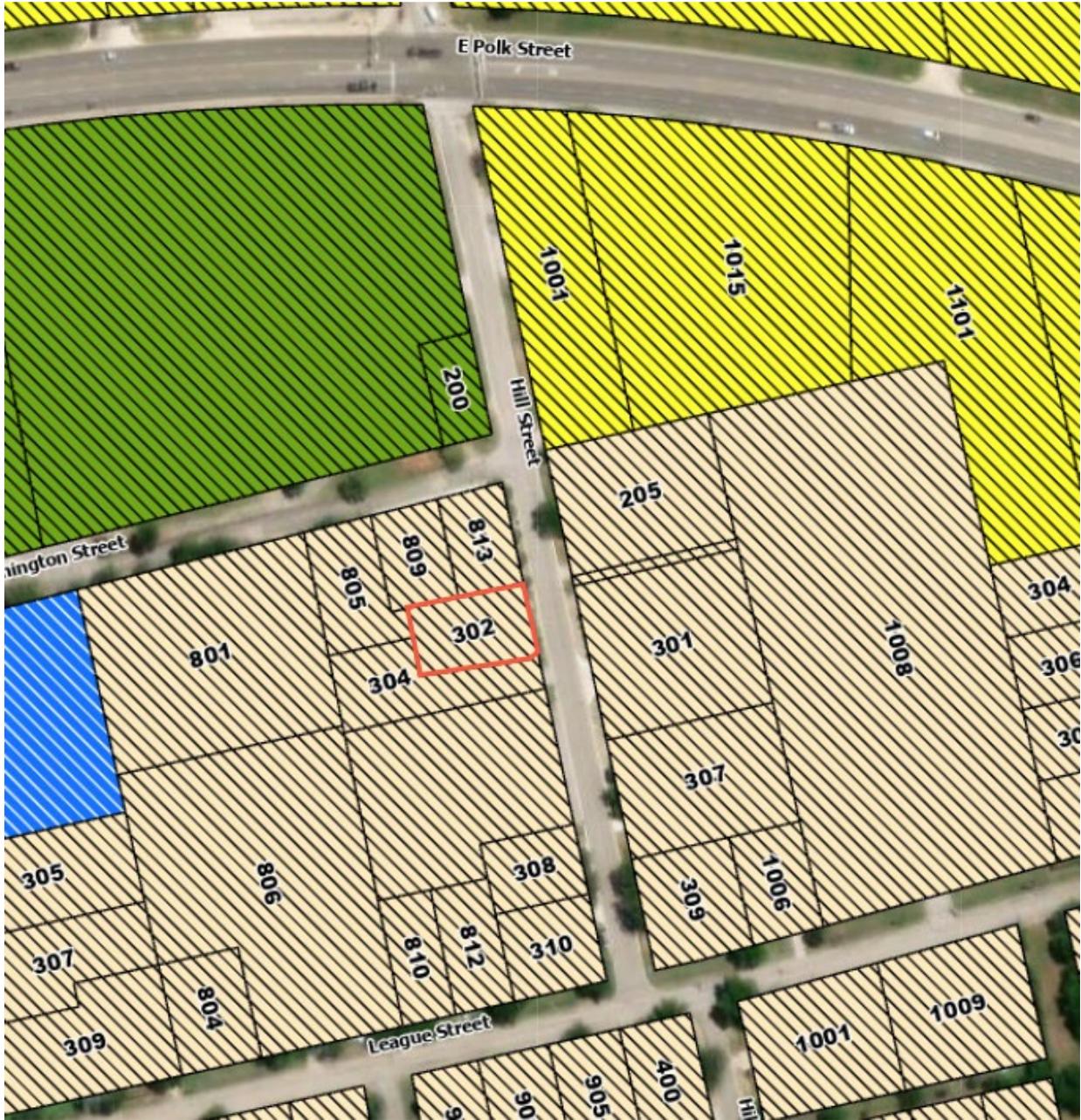
**Recommendation:** Approve and adopt Ordinance 2023-09 as presented.

Exhibit "A"

Location & Current Zoning Map



**Exhibit "B"**  
**Future Land Use Map**



-  Government
-  Commercial
-  Residential
-  Open Space

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is located at 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** Single-family residential - District “R-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

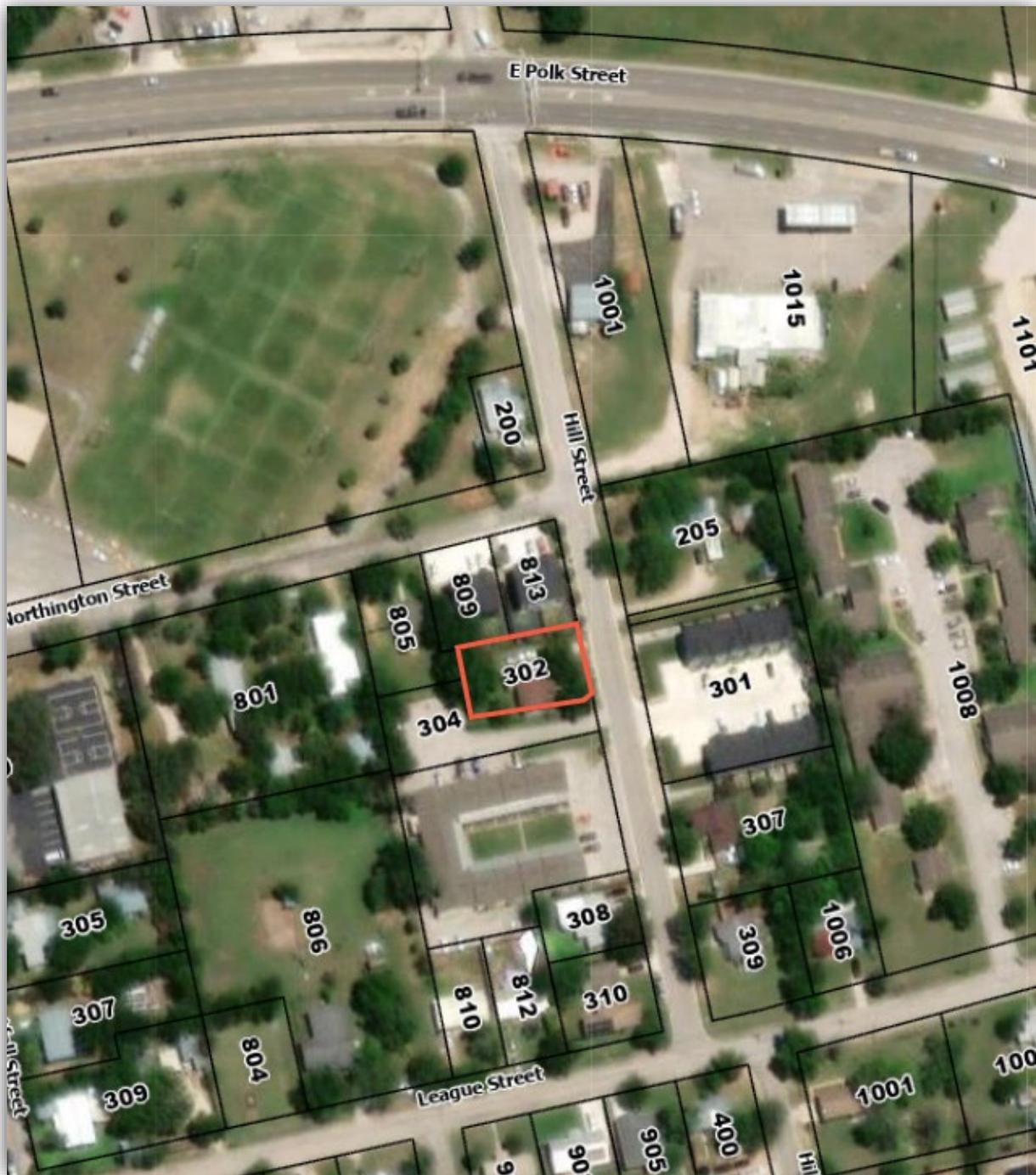
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

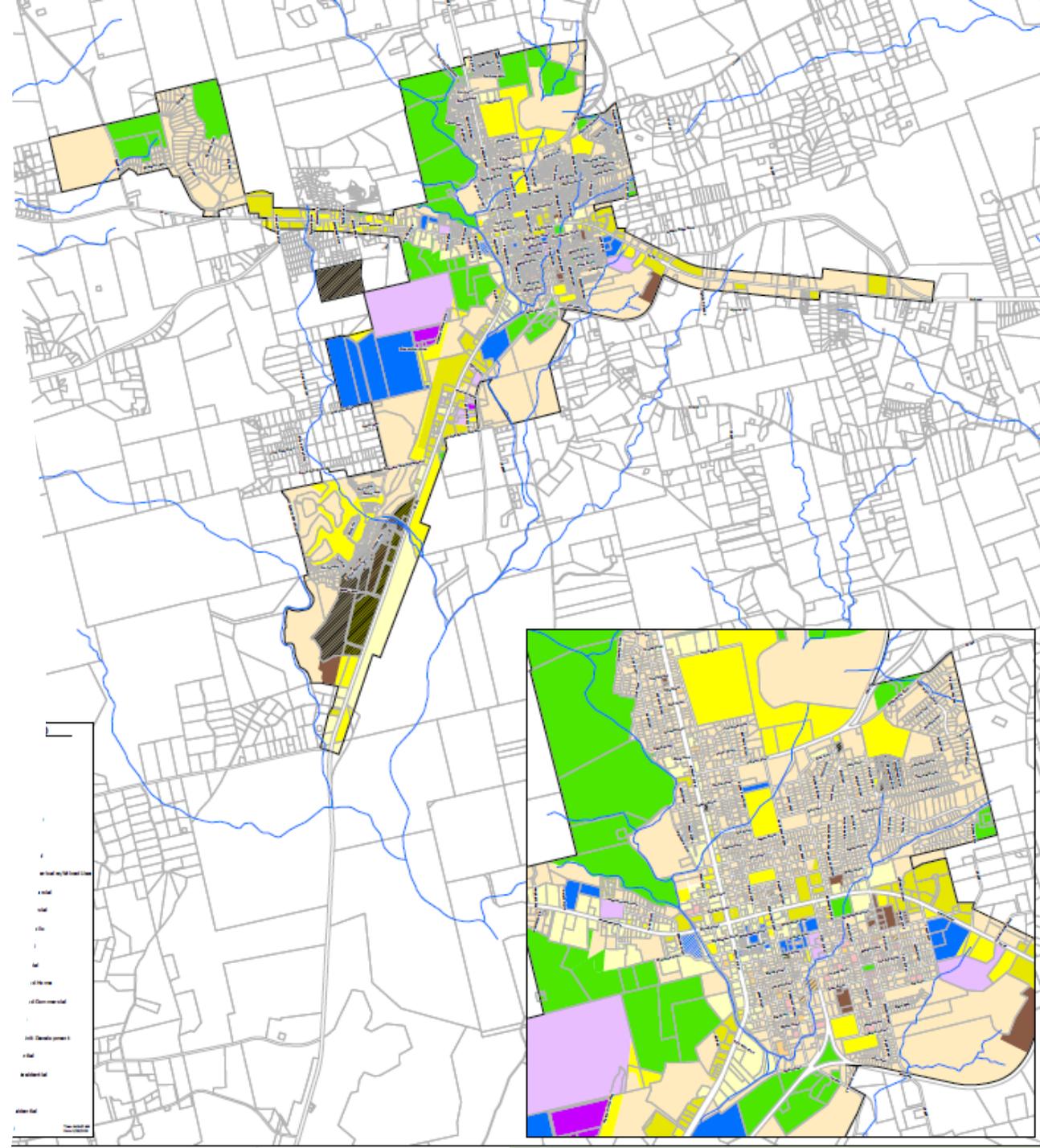
**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
Location of Subject Property



- ▶ **SECON READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**



# City Initiated Request



## Current Zoning:

Light commercial- “C-1”  
Property has been single-family residence since 1940



## Requested Zoning:

Single-family residential- “R-1”  
“R-1” Zoning is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.





- ▶ Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and recommended approval of Ordinance #2023-09
- ▶ There have been no changes since the first reading



**Development Services**

**ITEM 4.4**

Leslie Kimbler  
 Planning Manager  
 512-715-3215  
 lkimbler@cityofburnet.com

**Action**

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and Consider: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L KIMBLER

**Background:** The property is located on the South side of Hill Street. While it is currently zoned as light commercial, “C-1”, it has been existing non-conforming as a single-family residence since 1980.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, Single Family Residential – District “R-1” is intended to conserve and protect single-family the surrounding residential development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- “R-1” is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	“R-3”	“C-1”	“R-3”	“R-1”
<b>FLUM</b>	Residential	Residential	Residential	Residential
<b>Land Use</b>	Apartments	Single-Family residence	Single-family residence	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 2023, and written notices were mailed to fifteen (15) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

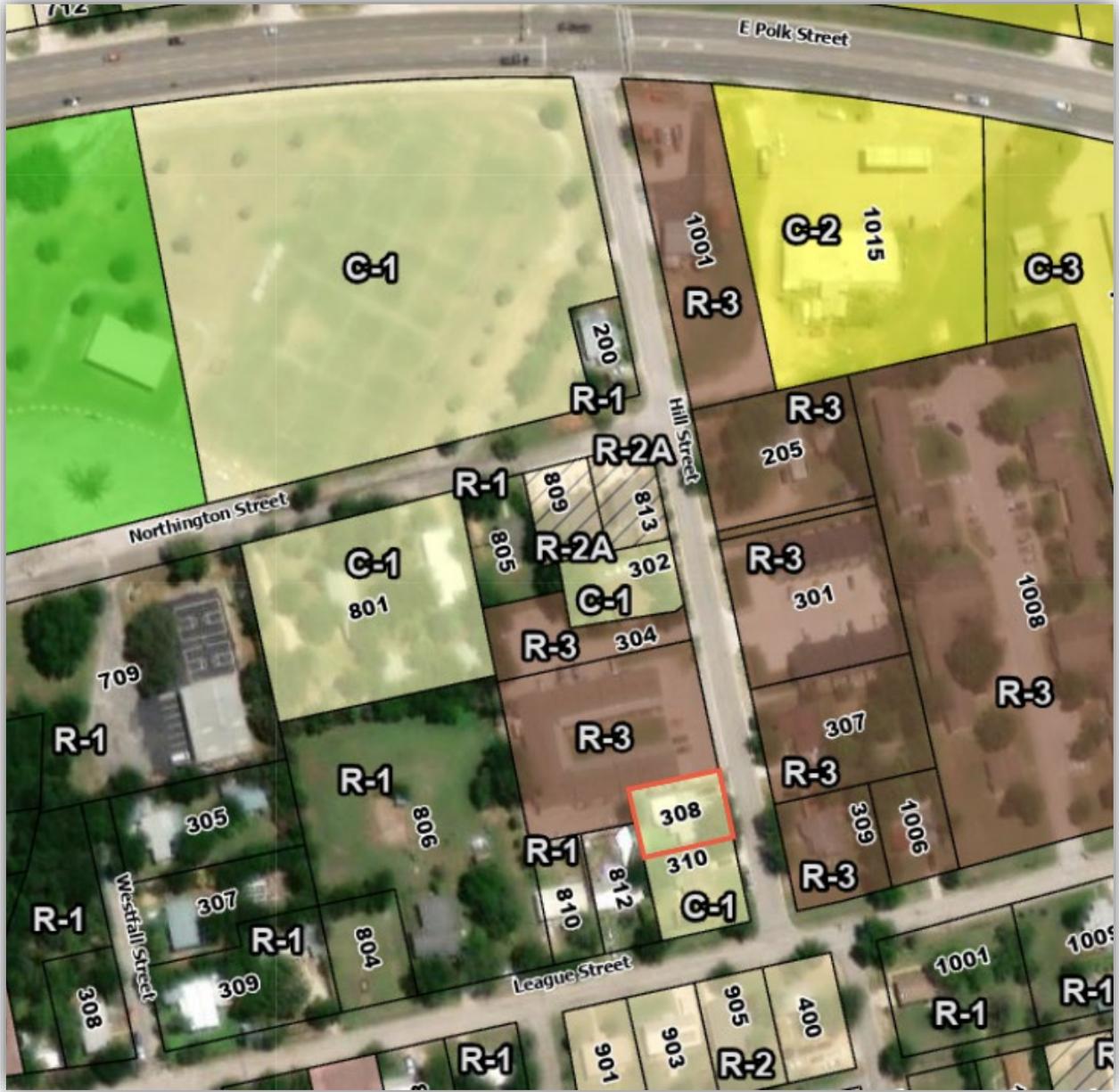
**P&Z Report:** Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-10 as presented.

**Information:** There have been no changes to Ordinance 2023-10 since the first reading on April 11, 2023.

**Recommendation:** Approve and adopt Ordinance 2023-10 as presented.

Exhibit "A"

Location & Current Zoning Map





**ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is located at 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING

PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) as shown on Exhibit “A” hereto.

**Section three Zoning District Reclassification.** Single-family residential - District “R-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

**CITY OF BURNET, TEXAS**

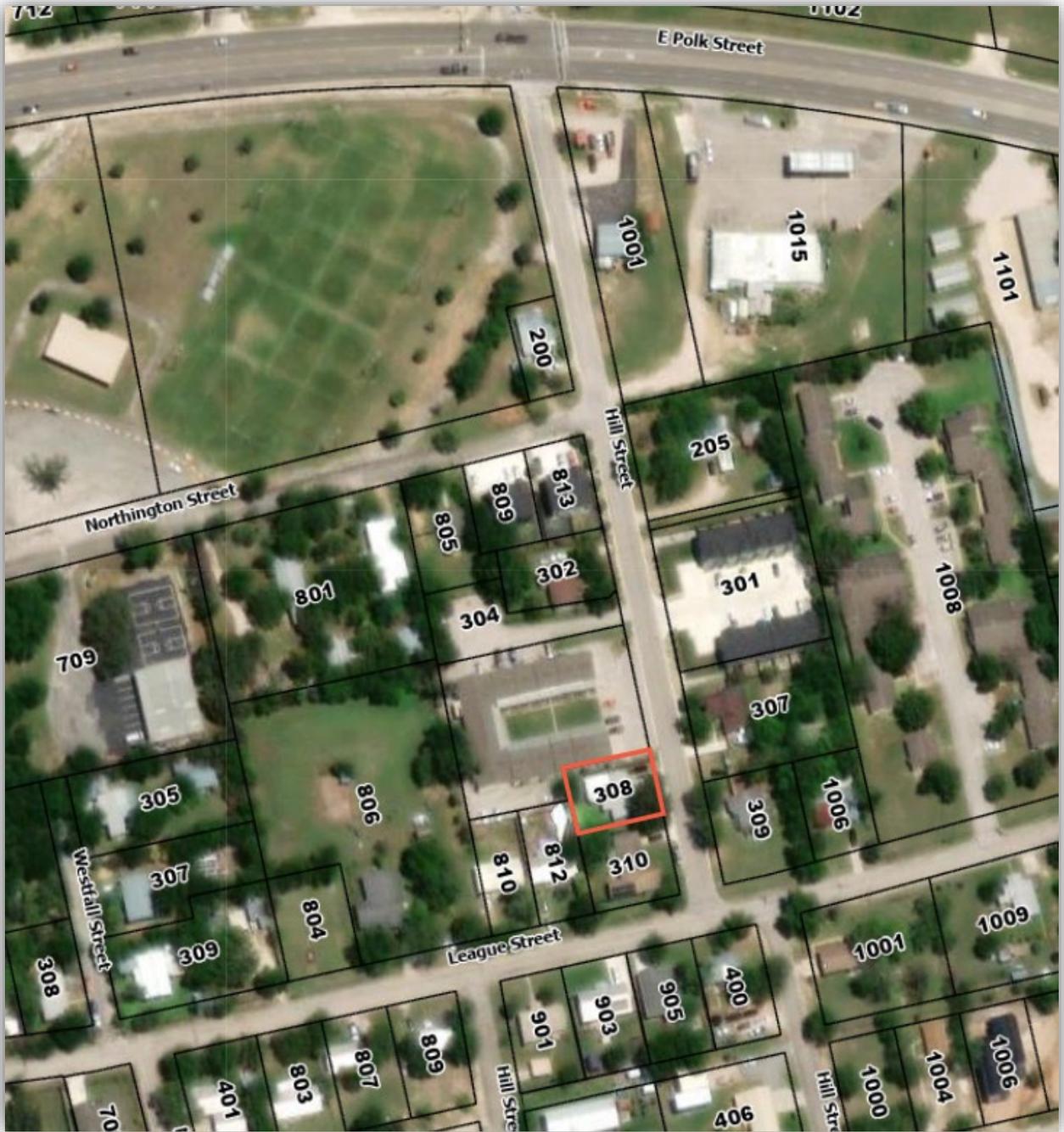
\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**

Location of Subject Property





City of

# BURNET TEXAS

Bluebonnet Capital of Texas

**SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**



# City Initiated Request

## Current Zoning:

- Light commercial- “C-1”
- Property has been single-family residence since 1980

## Requested Zoning:

- Single-family residential- “R-1”
- “R-1” Zoning is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures



Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-10 as presented.

There have been no changes since the first reading.



## Development Services

## ITEM 4.5

Leslie Kimbler  
 Planning  
 512-715-3215  
 lkimbler@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. KIMBLER

**Background:** The property is located on the South side of Hill Street. While it is currently zoned as light commercial, “C-1”, it has been existing non-conforming as a single-family residence since 1980.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, Single Family Residential – District “R-1” residential is intended to conserve and protect surrounding single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- “R-1” is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
<b>Zoning</b>	“C-1”	“R-2”	“R-3”	“R-1”
<b>FLUM</b>	Residential	Residential	Residential	Residential
<b>Land Use</b>	Single-Family residence	Single-Family residence	Single-family residence	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 2023, and written notices were mailed to fifteen (15) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**P&Z Report:** Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-11 as presented.

**Information:** There have been no changes to Ordinance 2023-11 since the first reading on April 11, 2023.

**Recommendation:** Approve and adopt Ordinance 2023-11 as presented.

Exhibit "A"

Location & Current Zoning Map

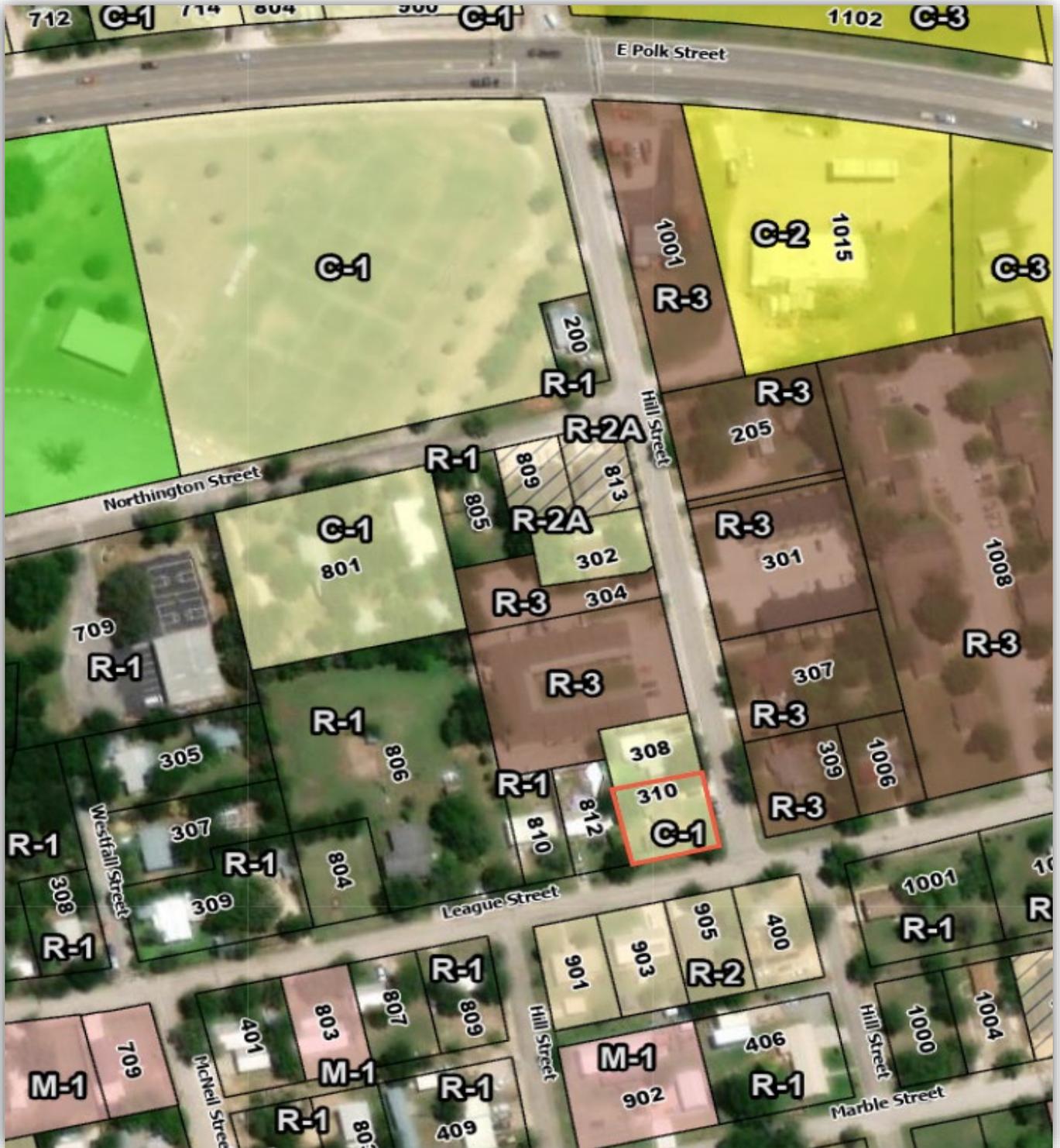
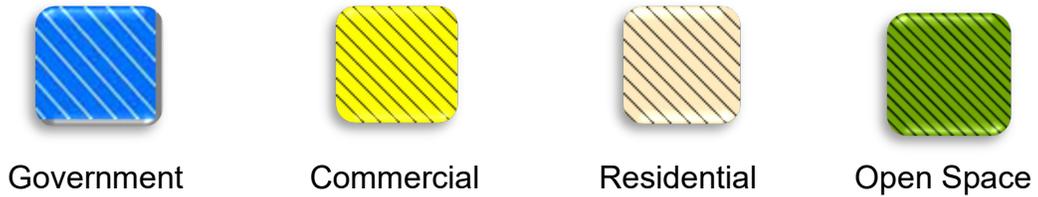
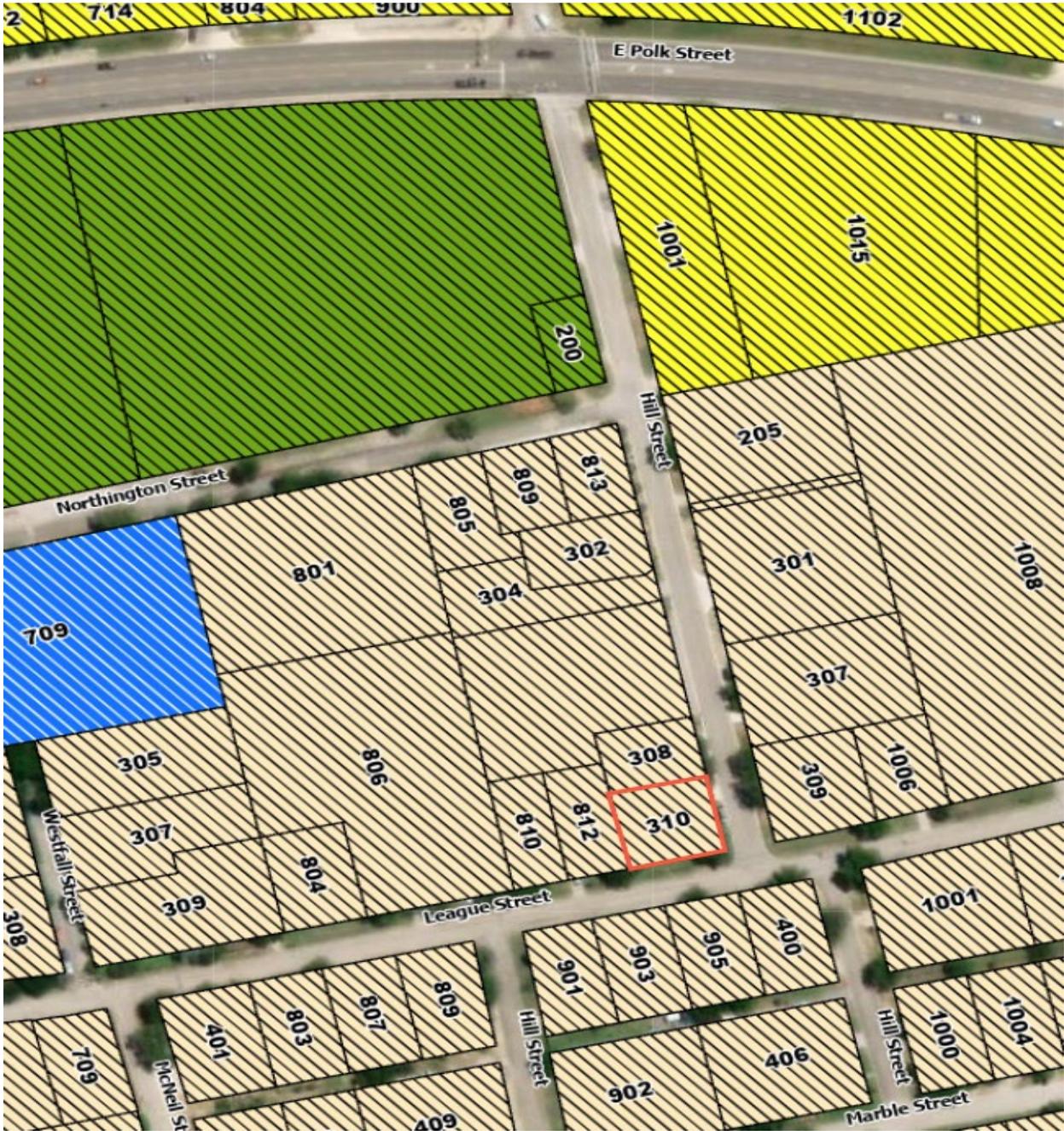


Exhibit "B"  
Future Land Use Ma



**ORDINANCE NO. 2023-11**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is located at 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A

PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** Single-family residential - District “R-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

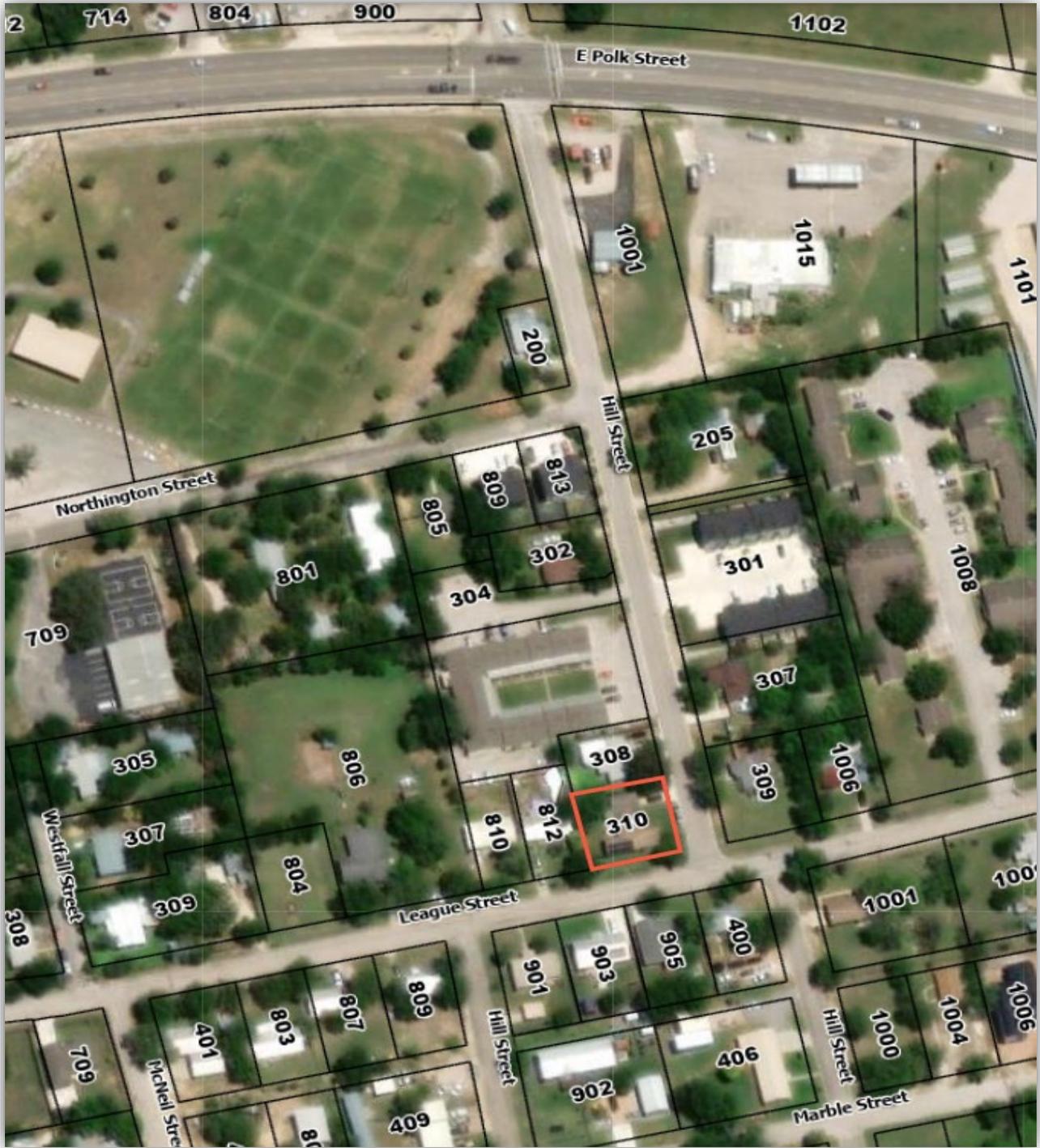
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
Location Subject Property



**SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**





# City Initiated Request



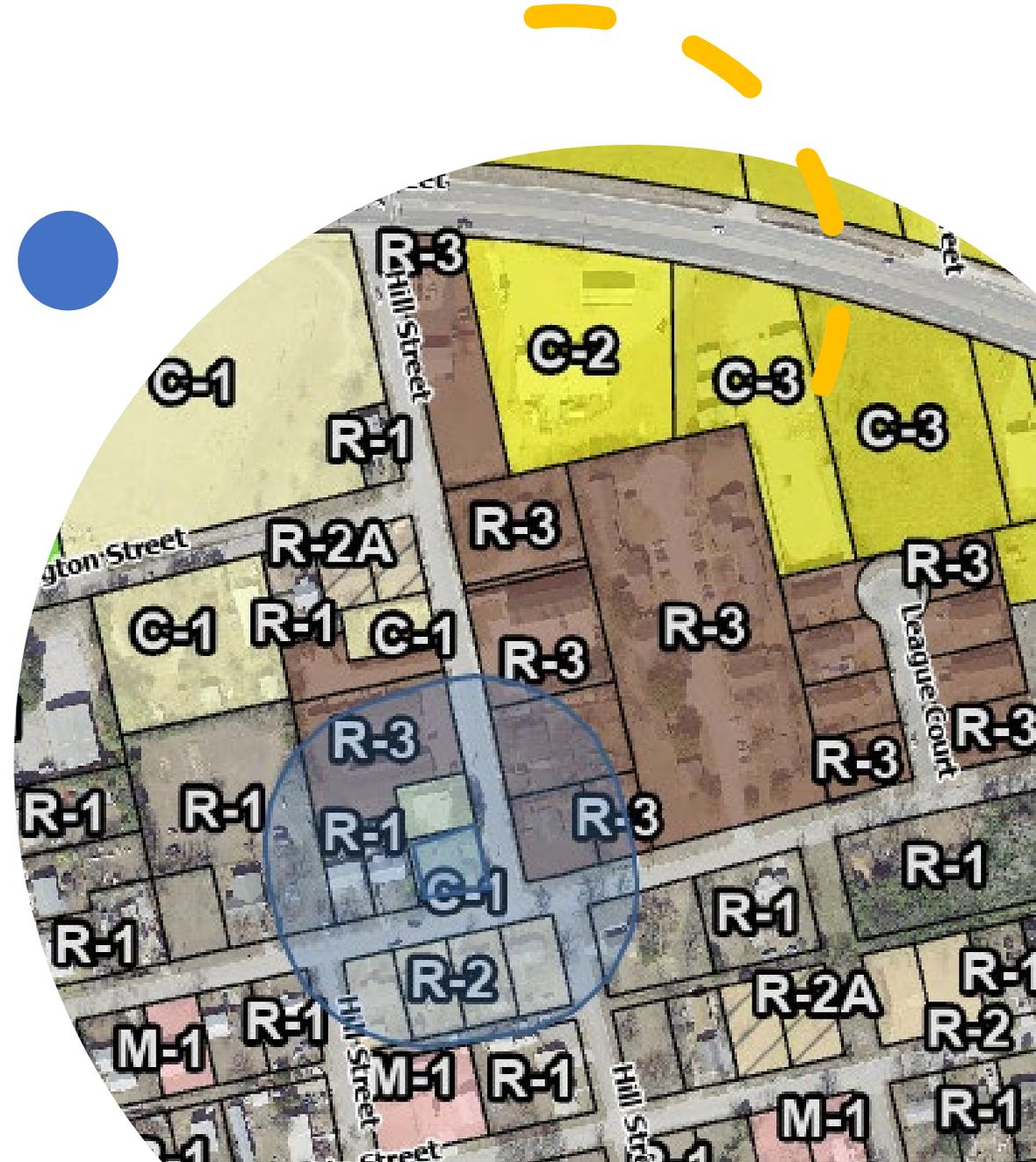
## Current Zoning:

Light commercial- "C-1"  
Property has been single-family residence since 1980

## Requested Zoning:

Single-family residential- "R-1"  
"R-1" Zoning is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures

- Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-11 as presented.
- There have been no changes since the first reading.





## Development Services

## ITEM 4.6

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

**Background:** The property is currently an undeveloped property located behind the Hacienda El Charro restaurant. The property is currently zoned Duplex – District “R-2”. The owner of the property is the business operator of the restaurant and has purchased the property to allow for additional parking.

**Information:** Approximately half of the property, to the west closest to Hamilton Creek, is encumbrance by the floodplain. Currently, water and electric are available near the site. Prior to any development of the property, including a parking lot, the owner will be responsible for retaining an engineer to ensure any development of the property properly accommodates the floodplain. The property owner will also be responsible for coordinating with the City Engineer to extend wastewater services to the property when necessary; currently the nearest sewer main is located at W Jackson St and the highway.

The requested Light Commercial – District “C-1” is governed by code of ordinances, Sec. 118-45, and allows for a mix of light commercial uses including retail and office space.

An example of some allowable uses would be:

- Banks

- Personal Services uses including barber shops, beauty parlors, etc.
- Restaurant or other drive-in eating establishment
- Retail sale of goods and products

The use does restrict the property to only these types of commercial uses and does not allow any type of residential use including residential accessory buildings.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designation for the area is commercial; therefore, the requested Light Commercial zoning is appropriate.

Properties adjacent to the subject property are zoned as follows:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	“R-1”	“R-1”	“C-1”	“C-1”
<b>FLUM</b>	Commercial	Commercial	Commercial	Commercial
<b>Land Use</b>	Vacant	Vacant	Restaurant	Vacant

Section 118-20, Chart 1, states properties zoned “C-1” must be a minimum of 10,000 square feet with a minimum lot width of 50 feet. The subject property does exceed both requirements.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 2023, and written notices were mailed to ten (10) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**P&Z Report:** Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-12 as presented.

**Information:** There have been no changes to Ordinance 2023-12 since the first reading on April 11, 2023.

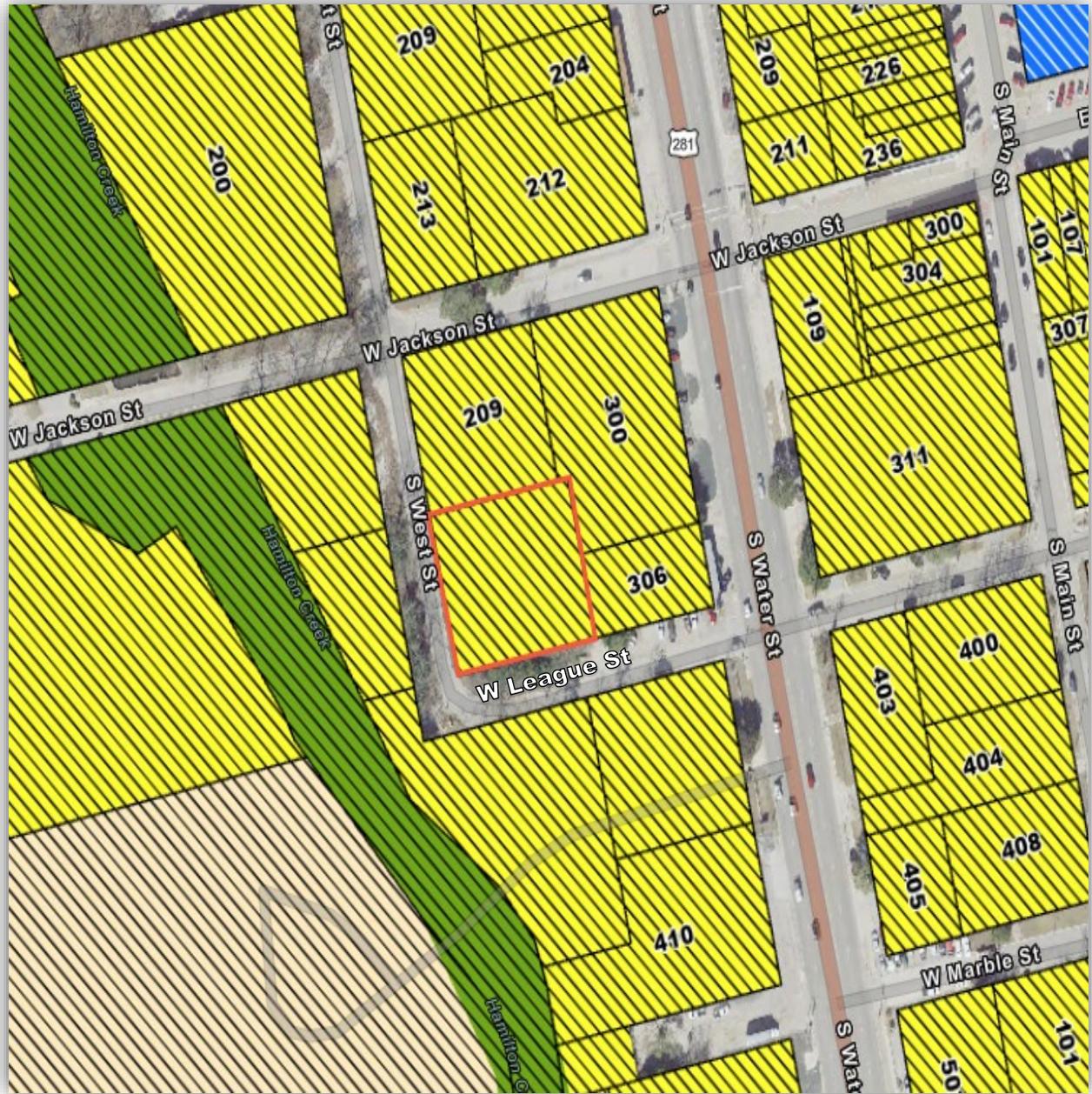
**Recommendation:** Approve and adopt Ordinance 2023-12 as presented.

Exhibit "A"

Location & Current Zoning Map



Exhibit "B"  
Future Land Use Map



-  Government
-  Commercial
-  Residential
-  Open Space

**ORDINANCE NO. 2023-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is located at property generally located at the CORNER OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT

NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** Light Commercial - District “C-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 11<sup>th</sup> day of April 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April 2023.

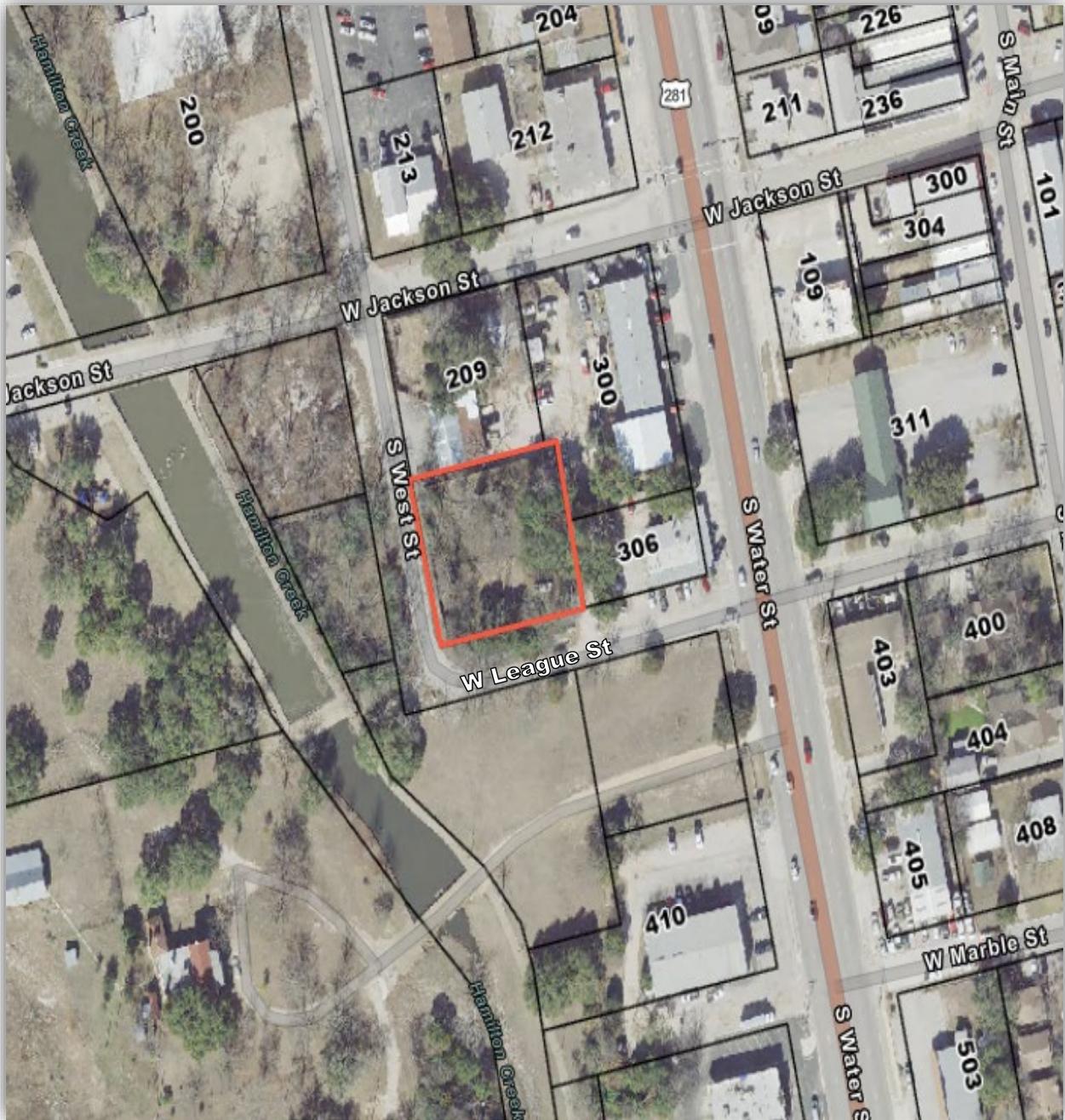
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
**SUBJECT PROPERTY**



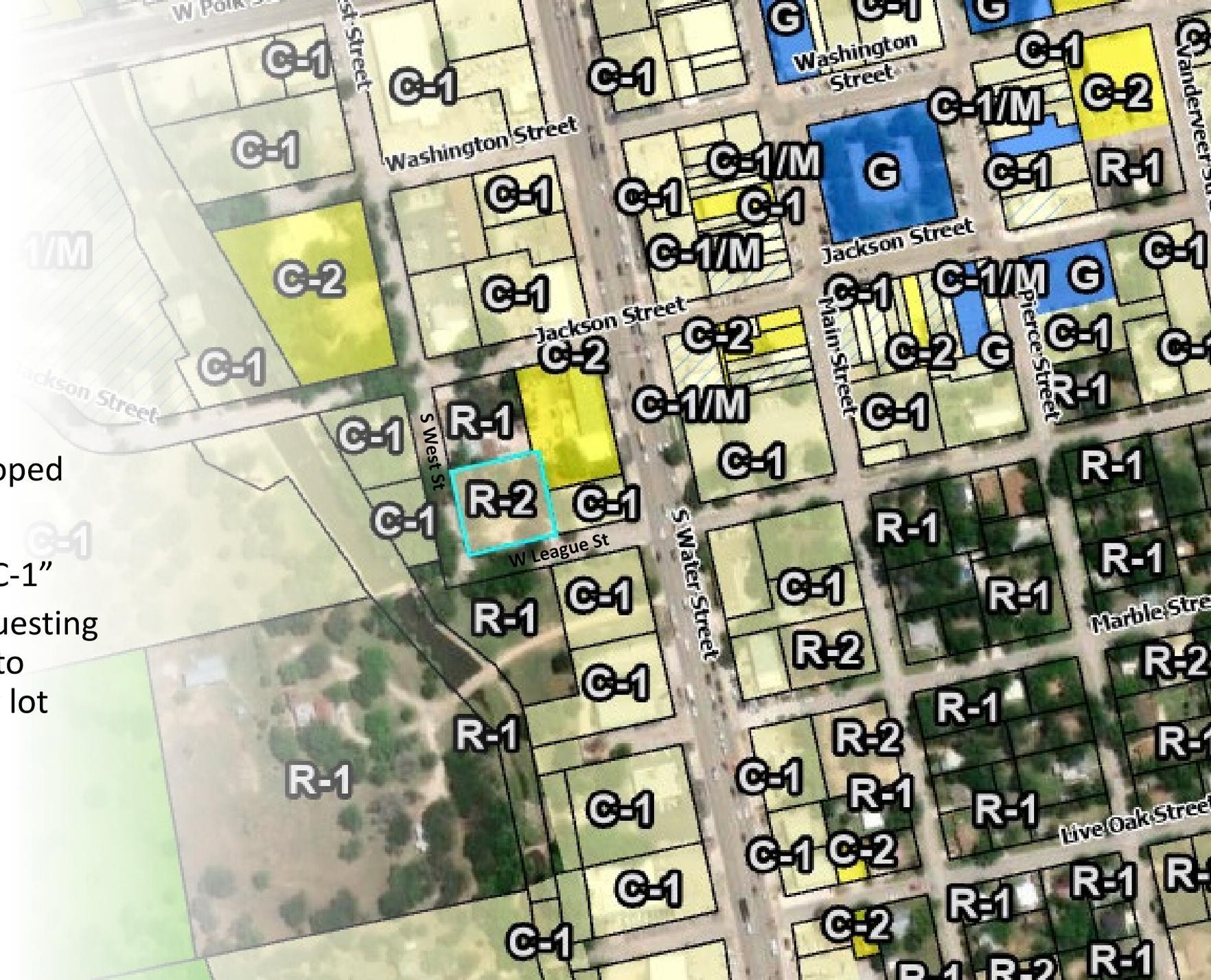


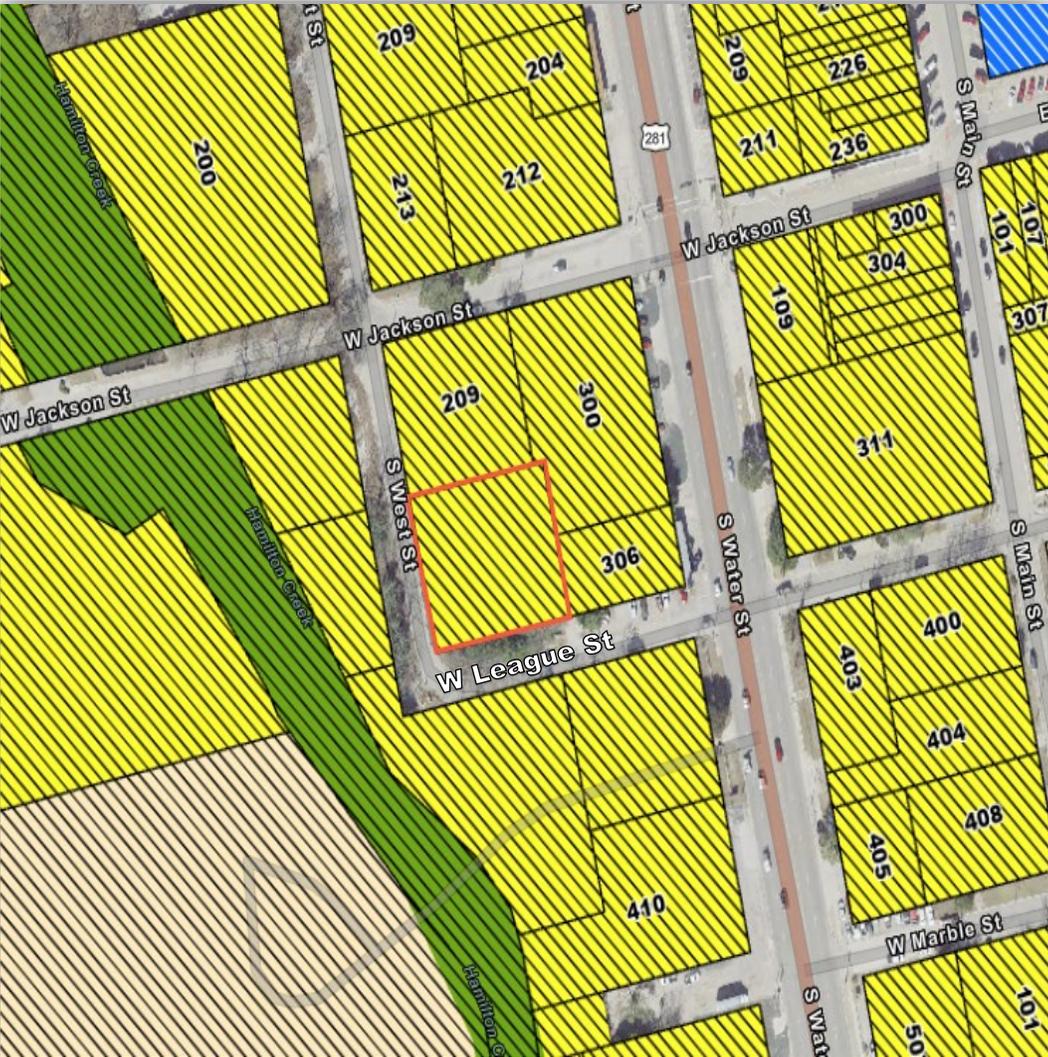
**SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: S7150 PETER KERR PORTION LOT 3 BLK 1). WITH SINGLE-FAMILY RESIDENTIAL "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**



# Information

- Current Zoning:
  - Duplex- “R-2”
  - Property is undeveloped
- Requested Zoning:
  - Light commercial- “C-1”
  - The applicant is requesting the rezone in order to improve the parking lot





Government

Commercial

Residential

Open Space

# Future Land Use

	North	South	East	West
<b>Zoning</b>	"R-1"	"R-1"	"C-1"	"C-1"
<b>FLUM</b>	Commercial	Commercial	Commercial	Commercial
<b>Land Use</b>	Single-family residence	Open space	Restaurant	Park land



- Planning and Zoning met at their regular meeting on Monday, April 3<sup>rd</sup> and did recommend approval of the requested rezone and Ordinance 2023-12 as presented.
- There have been no changes since the first reading



## Finance

## ITEM 4.7

Patricia Langford  
Director of Finance  
512.715.3205  
plangford@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, RESTRICTING THE USE OF CERTAIN FUNDS FOR INVESTMENT INTO A NEW CITY HALL FACILITY: P. Langford

**Background:** The City of Burnet issued bonds for the construction of a new city hall facility in 2021. However, due to increasing construction costs, the City will need to supplement the bond proceeds in order to fund the projected cost of the new city hall facility.

**Information:** The City's unrestricted cash position over their 90-day reserve requirement as of March is \$4,901,701. The increase in March over February was mainly due to the reclass of the American Rescue Funds.

**Fiscal Impact:** \$1,600,000 will be transferred from unrestricted funds to restricted by council funds for the construction of a new city hall facility.

**Recommendation:** Staff recommends approval of Resolution R2023-26 as presented.

**RESOLUTION NO. R2023-26**

**A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS,  
RESTRICTING THE USE OF CERTAIN FUNDS FOR INVESTMENT INTO  
A NEW CITY HALL FACILITY.**

**WHEREAS**, the City Council of the City of Burnet, Texas (the "Council") has formally approved a separate Investment Policy for the City of Burnet (the "City") that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code; and

**WHEREAS**, the Investment Policy is reviewed and approved annually by the Council and applies to all financial assets held by the City; and

**WHEREAS**, the Investment Policy complies with the PFIA and authorizes the investment of City funds in safe and prudent investments; and

**WHEREAS**, it is advantageous for the City to withdraw and deposit restricted fund assets for the purpose of investment as provided for herein; and

**WHEREAS**, the Council has identified as a priority the construction of a new city hall facility.

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT**

**Section one. Findings.** The above stated recitals are hereby found to be the true and correct findings of Council and are incorporated herein for all purposes.

**Section two. Proceedings.** The Council does hereby approve restricting funds in the amount of \$1,600,000 for the purpose of constructing a new city hall facility.

**Section three. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act.

**Section four. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED** this the 25<sup>th</sup> day of April 2023.

**ATTEST:**

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

\_\_\_\_\_  
Kelly Dix, City Secretary



R2023-26

RESOLUTION TO RESTRICT  
\$1,600,000 FOR INVESTMENT  
INTO NEW CITY HALL.



## Finance

## ITEM 4.8

Patricia Langford  
Director of Finance  
512.715.3205  
plangford@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, AUTHORIZING THE TRANSFER OF UNRESTRICTED FUNDS TO RESTRICTED FUNDS TO REIMBURSE BOND PROCEEDS USED FOR CERTAIN EXPENDITURES: P. Langford

**Background:** The City of Burnet purchased the Beall's building with the intention of renovating it to become the new city hall. However, after much consideration it was decided that it would be in the best interest of the City to sell the Beall's building to the Burnet Economic Development Corporation (BEDC) to explore its' commercial redevelopment potential given the property's prime location and to move the new city hall site to the lot on Jackson street. On January 24, 2023, the City sold the Beall's building to the BEDC for a \$1,115,000 promissory note guaranteeing payment in full on or before January 2024.

**Information:** The attached resolution allows the City to use pooled cash to reimburse the restricted bond proceeds that were used for the Beall's building as listed on Exhibit "A".

**Fiscal Impact:** \$1,110,386 will be transferred from unrestricted cash to restricted cash to reimburse the bond proceeds used for the Beall's building.

**Recommendation:** Staff recommends approval of Resolution R2023-27 as presented.

## RESOLUTION NO. R2023-27

### **A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, AUTHORIZING THE TRANSFER OF UNRESTRICTED FUNDS TO RESTRICTED FUNDS TO REIMBURSE BOND PROCEEDS USED FOR CERTAIN EXPENDITURES.**

**WHEREAS**, in June 2021, the Beall's property located at 118 E Polk St, Burnet, TX 78611, was purchased by the City for the purpose of renovating the building affixed thereto as the new city hall; and

**WHEREAS**, in July 2021, the City issued \$5,755,000 in Combination Tax and Revenue Certificates of Obligation, Series 2021 (the "Certificates") pursuant to the Constitution and general laws of the State of Texas, Texas Local Government code, the City's Home-Rule Charter, and an ordinance adopted by the City Council of the City of Burnet, Texas for purposes including constructing, improving, and/or renovating a new city hall facility; and

**WHEREAS**, the City used restricted bond proceeds as described in Exhibit "A" to renovate the Beall's property for use as the new city hall; and

**WHEREAS**, the City Council determined in January 2023 that it was in the City's best interest to sell the Beall's property to the Burnet Economic Development Corporation (BEDC) to explore the commercial redevelopment potential of the property and move the new city hall site to a location on Jackson street; and

**WHEREAS**, the City Council authorized the sale of the Beall's property to the BEDC for a promissory note guaranteeing payment of the purchase price in full by January 31, 2024; and

**WHEREAS**, the City Council of the City of Burnet, Texas considers and declares that the reimbursement of bond proceeds used and described on Exhibit "A" attached hereto will be appropriate and consistent with the lawful objectives of the bond issuance; and

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT**

**Section one. Findings.** The above stated recitals are hereby found to be the true and correct findings of Council and are incorporated herein for all purposes.

**Section two. Authorization.** The City Manager and the Finance Director are hereby authorized to transfer unrestricted funds to restricted funds to reimburse the bond proceeds used and described on Exhibit "A".

**Section three. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act.

**Section four. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED** this the 25<sup>th</sup> day of April 2023.

**CITY OF BURNET, TEXAS**

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Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary

# Resolution R2023-27

Exhibit A – To replenish bond proceeds used for the acquisition of the Beall’s building, land, and other expenses in connection therewith as follows:



Acquisition of the building and land				\$ 992,580.09
Demolition costs				103,087.62
Property taxes paid to Burnet Central Appraisal District				8,066.75
Replat and topography survey				4,800.00
Asbestos testing				1,610.00
Locksmith services and new keys				191.90
Permit fee				50.00
				<u>\$ 1,110,386.36</u>



## Administration

## ITEM 4.9

Habib Erkan, r.  
Assistant City Manager  
512.715.3201  
herkan@cityofburnet.com

## Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ACCEPTING THE TRANSFER OF WATER RIGHTS OF ALL PROPERTY OWNED BY CORPORATION TO THE CITY OF BURNET: H. Erkan

**Background:** The Burnet Economic Development Corporation owns a number of properties, including the Badger Building, the Bealls Building, the Crossing at 281 Subdivision and the Eastside Commercial Park. The Corporation's objective in owning these properties is to encourage commercial and industrial by sell or lease of the properties. The water rights derived from the properties are of no value to the Corporation nor will they benefit future purchasers. However, the water rights may be of value to the City in establishing future groundwater pumping rights.

**Information:** Texas law permits a landowner to sever water rights from the remainder of the real property estate. Pursuant thereto this resolution authorizes the City Manager to accept a Special Warranty Water Deed on behalf of the City transferring water rights from the corporation.

**Fiscal Impact:** This resolution will have no significant fiscal impact on the City.

**Recommendation:** Pass, approve and adopt Resolution R2023-28 as presented.

**RESOLUTION NO. R2023-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET  
ACCEPTING THE TRANSFER OF WATER RIGHTS OF ALL PROPERTY  
OWNED BY CORPORATION TO THE CITY OF BURNET**

**WHEREAS**, the Burnet Economic Development Corporation owns a number of properties, including the Badger Building, the Bealls Building, the Crossing at 281 Subdivision and the Eastside Commercial Park; and

**WHEREAS**, the water rights derived from the properties are of no value to the Corporation; and

**WHEREAS**, however, the water rights may be of value to the City in establishing future groundwater pumping rights; and

**WHEREAS**, as stated in the case *City of Del Rio v. Clayton Sam Colt Hamilton Tr.*, 269 S.W.3d 613 (Tex. App. 2008) Texas law authorizes a landowner to sever groundwater from the surface estate pursuant to absolute ownership theory, under which landowner is the absolute owner of the groundwater.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes as findings of fact.

**Section two. Approval.** The Special Warranty Water Deed, attached hereto and incorporated by reference herein is approved; and the Mayor is hereby authorized to execute said deed accepting said water rights on behalf of the City.

**Section three. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act Chapter 551 Texas Government Code.

**Section four. Effective Date.** This resolution shall take immediate effect.

**PASSED AND APPROVED on this the 28<sup>th</sup> day of April, 2023.**

**CITY OF BURNET**

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Crista Goble Bromley, President

**ATTEST:**

---

Kelly Dix, City Secretary

# **TRANSFER OF WATER RIGHTS**

City Council Regular  
Session April 28, 2023

# BACKGROUND

BEDC's real property interest include:

- the Badger Building,
- the Bealls Building,
- the Crossing at 281 Subdivision;
- the Eastside Commercial Park; and
- the Coke Street Property

# WATER RIGHTS

Ground water rights have virtually no value to the surface owner;

- City of Burnet provides water service
- City of Burnet prohibits ground water wells without council approval

Transfer of water rights

- Groundwater is the exclusive property of the owner of the surface and subject to barter and sale as any other species of property *City of Del Rio v. Clayton Sam Colt Hamilton Tr.*, 269 S.W.3d 613 (Tex. App. 2008)

# SUMMARY

The BEDC approved the transfer of water rights at its meeting on April 18<sup>th</sup>.

This resolution authorizes acceptance of the water rights.

# THANK YOU

Questions will be addressed after the public has had an opportunity to comment on this item.



## Administration

## ITEM 4.10

Maria Gonzales  
Administrative Services  
512.715.3210  
mgonzales@cityofburnet.com

## Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: Request for funding for beautification projects in the City: M. Gonzales

**Background:**

**Information:** During recent meetings of the Burnet Community Coalition (City/EDC/County/Chamber), there has been substantial discussion regarding the need to focus efforts to enhance the look of our community along the two major highways in town. Any effort to help beautify the community must start with the city maintaining its properties, especially public parks and the downtown square. Most, if not all, of the light posts around the square and down to Hamilton Creek need to be redone; this could either be by painting or powder coating. Additionally, there are sidewalks around the square that need to be torn out and replaced, and many of the banners that were installed years ago are either missing or in need of replacement.

Moreover, the bluebonnets that were planted several years ago at Haley Nelson Park and other locations looked beautiful this year, but we need to continue to build upon those efforts and fill-in areas where they are missing.

**Fiscal Impact:** The Burnet Community Coalition is requesting approval to spend up to \$50,000 this fiscal year for beautification efforts from cash reserves and another \$15,000 for additional bluebonnet seeds, which would be funding by the HOT fund.

**Recommendation:** A motion to authorize up to \$50,000 from cash reserves for beautification efforts and an additional \$15,000 from the HOT fund for the purchase of bluebonnet seeds.



## Administration

## ITEM 4.10

Maria Gonzales  
Administrative Services  
512.715.3210  
mgonzales@cityofburnet.com

## Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: Request for funding for beautification projects in the City: M. Gonzales

**Background:**

**Information:** During recent meetings of the Burnet Community Coalition (City/EDC/County/Chamber), there has been substantial discussion regarding the need to focus efforts to enhance the look of our community along the two major highways in town. Any effort to help beautify the community must start with the city maintaining its properties, especially public parks and the downtown square. Most, if not all, of the light posts around the square and down to Hamilton Creek need to be redone; this could either be by painting or powder coating. Additionally, there are sidewalks around the square that need to be torn out and replaced, and many of the banners that were installed years ago are either missing or in need of replacement.

Moreover, the bluebonnets that were planted several years ago at Haley Nelson Park and other locations looked beautiful this year, but we need to continue to build upon those efforts and fill-in areas where they are missing.

**Fiscal Impact:** The Burnet Community Coalition is requesting approval to spend up to \$50,000 this fiscal year for beautification efforts from cash reserves and another \$15,000 for additional bluebonnet seeds, which would be funding by the HOT fund.

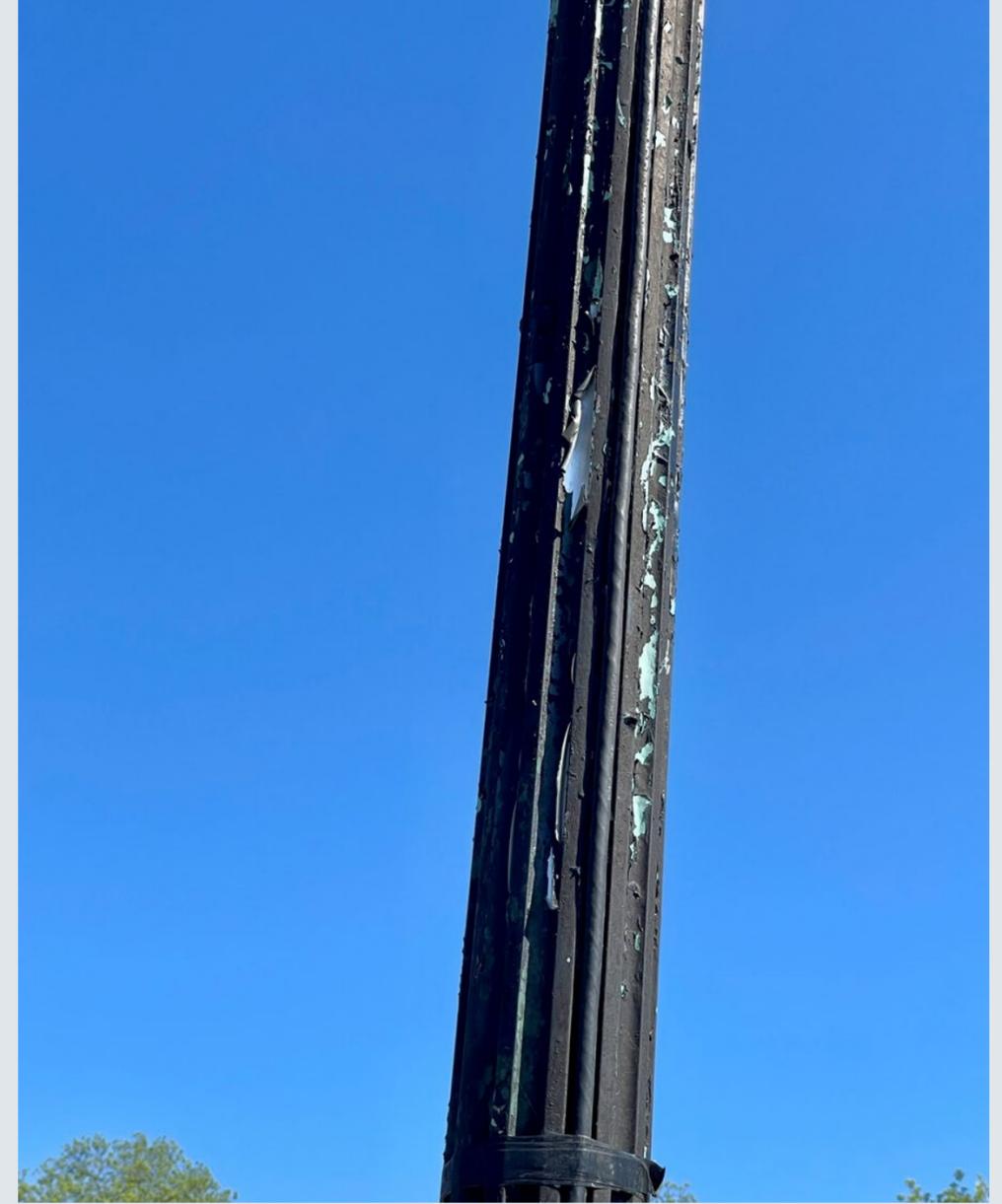
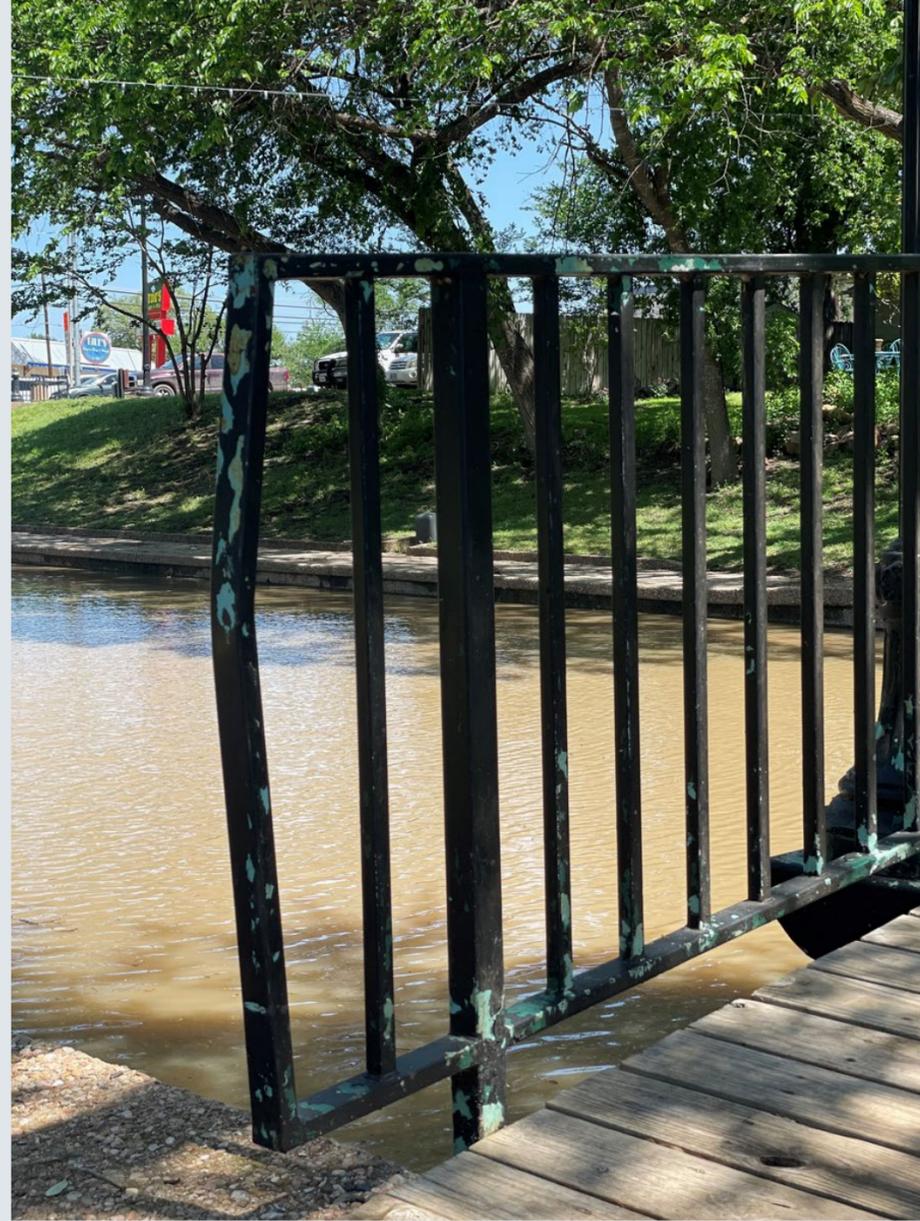
**Recommendation:** A motion to authorize up to \$50,000 from cash reserves for beautification efforts and an additional \$15,000 from the HOT fund for the purchase of bluebonnet seeds.

A photograph of a vast field of purple flowers, likely lupines, under a bright sky. The flowers are in various stages of bloom, with some showing white centers. The background is a soft-focus line of green trees. A semi-transparent horizontal band is overlaid across the middle of the image, containing the text.

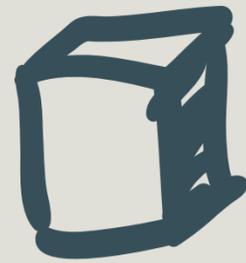
# Beautification Program

# BACKGROUND

- Burnet Community Coalition would like to begin a substantial beautification program to enhance the look and feel of our community .
- This is an effort to promote tourism and promote local economic development.
- Major focus would be along the two major highways in town .
- The City must begin the beautification process by maintaining and updating its local parks and the historic downtown area.









## City Secretary

## ITEM 4.11

Kelly Dix  
City Secretary  
(512)-756-6093 ext. 209  
kdix@cityofburnet.com

### Action

**Meeting Date:** April 25, 2023

**Agenda Item:** Discuss and consider action: Call a Special Meeting of the City Council for Tuesday, May 16<sup>th</sup>, 2023 at 5:30 p.m. to canvass the May 6<sup>th</sup>, 2023 General Election and Special Election: K. Dix

**Background:** On May 6<sup>th</sup>, 2023, a General Election to elect one Mayor and three Council Members as well as a Special Election for the additional purpose of submitting for approval or rejection; a proposal to authorize the sale of City parkland property will be held.

**Information:** It will be necessary to call a Special City Council Meeting for Tuesday, May 16<sup>th</sup>, 2023 at 5:30 p.m. to canvass the results of the May 6<sup>th</sup>, 2023 General and Special Elections.

The Early Voting Ballot Board will meet on Friday, 12<sup>th</sup> to review provisional ballots. Once completed, the official election results will be provided by the Election Administrator for the official canvas.

**Fiscal Impact:** None at this time.

**Recommendation:** Approve the scheduling of a Special City Council meeting to be held on Tuesday, May 16<sup>th</sup> at 5:30 p.m. in City Council Chambers to canvas the May 6, 2023 General and Special Elections.

